



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**MARCH 21, 2005  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call.**

The Invocation will be delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Harris.

Welcome. Mayor Harris.

**NOTICE:**

The Council meeting will be replayed on Channel 3 on Wednesday, March 23, 2005, at 7:00 p.m., and Sunday, March 27, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

Results of the "Ecybermission Project". Gareth McAllister, Facilities Manager, Spokesperson.

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3.

### CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1            A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview two applicants for appointment to the Roanoke Regional Airport Commission, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

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RECOMMENDED ACTION:        Concur in the request.

- C-2            A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

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RECOMMENDED ACTION:        Concur in the request.

- C-3            A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purposes, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

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RECOMMENDED ACTION:        Concur in the request.

- C-4            Qualification of the following persons:

Lora J. Katz as a member of the Architectural Review Board, to fill the unexpired term of Robert B. Manetta, resigned, ending October 1, 2006;

Mark S. Lawrence as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2007; and

Carol D. Tuning as a member of the Fifth Planning District  
Disability Services Board, for a term ending January 31, 2008.

RECOMMENDED ACTION: Receive and file.

### **REGULAR AGENDA**

**4. PUBLIC HEARINGS: NONE.**

**5. PETITIONS AND COMMUNICATIONS: NONE.**

**6. REPORTS OF OFFICERS:**

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- |    |   |                          |
|----|---|--------------------------|
| 1. | Adoption of a resolution reestablishing the Downtown Residential Parking Program in certain City-owned or City-controlled parking garages.  | P 12;<br>R 15            |
| 2. | Acceptance of the Local Interoperability Communications Grant from the U. S. Department of Homeland Security, in the amount of \$65,000.00. | P 16;<br>B/O 17;<br>R 18 |
| 3. | Authorization to execute the Fourth Amendment to the Roanoke Valley Resource Authority Members Use Agreement.                               | P 19;<br>R 24            |

**7. REPORTS OF COMMITTEES: NONE.**

**8. UNFINISHED BUSINESS: NONE.**

## **9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

- a. A Resolution expressing the Council's opposition to a proposal by the FAA to close the Air Traffic Control Tower located at Roanoke Regional Airport between the hours of midnight and 5:00 a.m.

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## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

## **12. CITY MANAGER COMMENTS:**

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**MARCH 21, 2005  
7:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**Call to Order -- Roll Call.**

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Harris.

Welcome. Mayor Harris.

**NOTICE:**

The Council meeting will be replayed on Channel 3 on Wednesday, March 23, 2005, at 7:00 p.m., and Sunday, March 27, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## A. PUBLIC HEARINGS:

1. Request of Westwin of Roanoke, LLC, that a tract of land located at the southwesterly corner of Jefferson Street and Yellow Mountain Road, S. E., containing 2.055 acres, more or less, identified as Official Tax No. 4060601, be rezoned from Conditional C-1, Office District, to INPUD, Institutional Planned Unit Development District. David C. Helscher, Attorney. P 29;  
O 48
2. Request of the City of Roanoke that a tract of land located at 3379 Colonial Avenue, S. W., consisting of 23.742 acres, more or less, identified as Official Tax Nos. 1570101, be rezoned from RS-2, Residential Single Family District, to RPUD, Residential Planned Unit Development District, subject to certain conditions proffered by the petitioner. Darlene L. Burcham, City Manager. P 50;  
O 95
3. Proposal of the City of Roanoke to extend the lease of a City-owned structure known as the Alexander-Gish House, located in Highland Park, together with the outbuilding and parking lot, to Old Southwest, Inc., for a period of five years. Darlene L. Burcham, City Manager. P 97;  
O 98
4. Proposed amendment of Section 36.1-690, General authority and procedure, Division 5, Amendments, of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, by deleting subsections (g) and (h) relating to minimum acreage requirements. R. Brian Townsend, Agent, City Planning Commission. P 99;  
O 101

## B. OTHER BUSINESS: NONE.

## C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

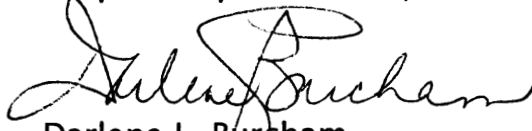
March 21, 2005

The Honorable Mayor  
and Members of City Council  
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Gareth McAllister, Facilities Manager, for a group of students to present to Council the results of a student project titled "Ecybermission Project".

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
Director of Finance  
City Clerk





**C. NELSON HARRIS**  
Mayor

**CITY OF ROANOKE**  
**OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452  
ROANOKE, VIRGINIA 24011-1594  
TELEPHONE: (540) 853-2444  
FAX: (540) 853-1145

March 21, 2005

The Honorable Vice-Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview two applicants for appointment to the Roanoke Regional Airport Commission, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink that reads "C. Nelson Harris". The signature is written in a cursive, flowing style.

C. Nelson Harris  
Mayor

CNH:snh



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**March 21, 2005**

**The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia**

**Subject: Request for closed meeting**

**Dear Mayor Harris and Council Members:**

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, reading "Darlene L. Burcham", is written over a faint, larger version of the same signature.

**Darlene L. Burcham  
City Manager**

**DLB/s**

**c: William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk**



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March 21, 2005

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711(A)(3), of the Code of Virginia (1950), as amended.

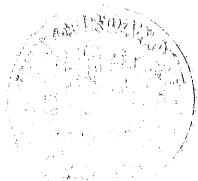
Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB/f

c: City Attorney  
Director of Finance  
City Clerk



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

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**March 21, 2005**

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Reestablishment of Downtown  
Residential Parking Program  
In City Owned or Controlled  
Parking Garages**

### **Background:**

City Council previously approved a program to provide residents within the Downtown Service District free parking in certain City-owned or controlled parking garages (Resolution No. 35794-04-01-02). That action was in effect for three years and will expire on March 31, 2005. At this time, a total of 15 downtown residents utilize this program. Inasmuch as the provision of adequate parking in the downtown area remains critical to the success of Roanoke's goal of encouraging downtown housing, the program should be reestablished in accordance with the attached provisions. (Attachment A) Such program would be effective for 3 years, from April 1, 2005, through March 31, 2008.


One new provision has been added to the proposed program, which is set out in Attachment A, which would allow the residents of downtown housing units that are physically connected to a City-owned or controlled parking garage to park in that garage in parking spaces reserved for their use. Such physical connections must be approved by the City.

**Recommendation:**

City Council adopt a resolution approving and reestablishing the above referenced program, as amended and as described in Attachment A, to provide residents within the Downtown Service District free parking in certain City-owned or controlled parking garages.

City Council provide that such program be effective from April 1, 2005, through March 31, 2008, unless modified or terminated by City Council and authorize the City Manager to take such actions as may be needed to implement and administer such program.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB/RKB/gpe

Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Robert K. Bengtson, P.E., Director of Public Works  
Rolanda Russell, Assistant City Manager, Community Development  
Brian Townsend, Director, Planning, Building & Development  
Debbie Moses, HRCC Director

CM05-00029

**Provisions for a Residential Parking Program for  
Certain City owned or controlled Parking Garages**

- 1. Residents of Downtown may be permitted to park for no charge in certain City owned or controlled parking garages (the one nearest their housing) at any time. This would be limited to up to two (2) vehicles per residential unit, based upon the number of occupants (if only one resident, then only one vehicle). The garages to which the program applies shall be Church Avenue, Century Station, Market Square, Wachovia Tower, and Williamson Road.**
- 2. Vehicles shall be required to display a current City Of Roanoke parking tag that would be issued by the manager of the parking garage and renewed every year and will be subject to the rules and regulations applicable to such garage, except there will be no monthly charge.**
- 3. A resident of Downtown is defined as a person who is living in the area defined as the Downtown Service District south of the railroad tracks and who can show proof of residency through a rental agreement, property tax bill, current utility bill, or current telephone bill that shows a physical residential address within such area. The resident must also possess a current Virginia vehicle registration with such vehicle registered in the name of the resident and/or permanent occupant residing at the same address as the resident.**
- 4. Parking is subject to availability in these garages, except where the structure of the resident's housing unit is physically connected to the actual structure of one of the above referenced garages, in which case up to 2 parking spaces may be reserved, as referenced above, for the resident's use, provided such physical connection has been approved by the City.**
- 5. The manager of the parking garage will enforce parking usage in the City owned or controlled parking garages.**
- 6. The City of Roanoke Parking coordinator or designee will certify every six months that parking applicants meet the resident criteria and that the resident's vehicles display a current personal property tax decal (if applicable).**
- 7. Parking tags will be revoked if found on a vehicle other than those of the Downtown resident and/or occupant as referenced above.**
- 8. The City of Roanoke will not dismiss parking tickets issued to vehicles with expired parking tags.**
- 9. The effective date of the program will be from April 1, 2005, through March 31, 2008, unless otherwise modified or terminated by City Council.**

D.T.  

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION continuing a program providing for free parking for certain downtown residents in certain City owned or controlled parking garages, as recommended by the City Manager.

WHEREAS, this Council seeks to encourage persons to live downtown; and

WHEREAS, the provision of adequate parking in the downtown area is critical to the success of City Council's goal of encouraging downtown housing.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council approves and hereby continues the program to provide certain downtown residents free parking in certain City owned or controlled parking garages, the details of which are set forth in the City Manager's letter and attachment dated March 21, 2005.
2. This program shall be effective from April 1, 2005, through March 31, 2008, unless modified or terminated by City Council.
3. The City Manager is authorized to take such actions as may be needed to implement and administer such program.

ATTEST:

City Clerk.



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**March 21, 2005**

**Honorable C. Nelson Harris, Mayor, and Members of City Council  
Roanoke, Virginia**

**Dear Mayor Harris and Members of Council:**

**Subject:     Technology Interoperability  
              Grant   CM05-00033**

**This is to request space on Council's regular agenda for a report on the above  
referenced subject.**

**Respectfully submitted,**

A handwritten signature in black ink, reading "Darlene L. Burcham".

**Darlene L. Burcham  
City Manager**

**DLB:sm**

**c:     City Attorney  
       City Clerk  
       Director of Finance**



AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funds for the Interoperability Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Systems Development	035-430-3460-9067	65,000
Revenue		
Security Interoperable Communication	035-430-3460-3460	65,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

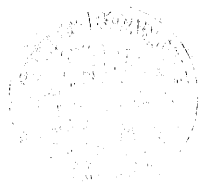
A RESOLUTION authorizing the acceptance of the U. S. Department of Homeland Security Local Interoperability Communications Grant made to the City of Roanoke by the Office for Domestic Preparedness and authorizing the execution and filing by the City Manager of the conditions of the grant.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the offer made by the Office for Domestic Preparedness of a U. S. Department of Homeland Security Local Interoperability Communications Grant in the amount of \$65,000.00.
2. The City Manager or the Assistant City Manager for Operations is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of the U. S. Department of Homeland Security Local Interoperability Communications Grant as approved as to form by the City Attorney.
3. The City Manager or the Assistant City Manager for Operations is further directed to furnish such additional information as may be required by the Office for Domesitc Preparedness in connection with the City's acceptance of the foregoing grant or with such project.

ATTEST:

City Clerk



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March 21, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Fourth Amendment to  
Roanoke Valley Resource  
Authority Members Use  
Agreement

**Background:**

The City of Roanoke coordinated several annual Household Hazardous Waste Collection Days in the Roanoke Valley in the years 2000 to 2003. Each of these events was conducted at the Roanoke Civic Center. At each event, a private contractor accepted the household hazardous waste from citizens and properly disposed of the waste, which prevented such waste items from being placed in the Smith Gap landfill or otherwise being disposed of improperly. Other local governments, namely Roanoke County, Botetourt County, the Town of Vinton, and City of Salem have participated in the previous events.

In response to citizen feedback, participating staff from the City and neighboring governments have decided to alter the operation of the 2005 collection event by changing from one annual event servicing 1,000 - 1,200 participants to up to three events per year servicing approximately

300 participants per event. Each participant would be required to pre-register and the actual event will be held on a Sunday. Due to the reduced number of participants per event, a location the size of the Roanoke Civic Center is not necessary to hold the event. Therefore, it was decided to hold the smaller collection events at the Roanoke Valley Resource Authority's Transfer Station located on Hollins Road in the City.

Considerations:

In order to use the Resource Authority property, the Roanoke Valley Resource Authority Members Use Agreement needs to be amended; this is the contract among the Resource Authority and the participating localities, which consist of Roanoke County, the City of Roanoke, and the Town of Vinton (Charter Members). A copy of the proposed fourth amendment is attached. (Attachment A).

The amendment to the Members Use Agreement specifically allows the Authority to sponsor or issue a permit to an entity to sponsor a Household Hazardous Waste Collection Day at the Hollins Road facility. This will allow for the household hazardous waste to be accepted, but not stored or disposed of, on the site by a contractor, and will also allow residents of Salem, Botetourt, and other jurisdictions to participate. Since those two localities and others are not members of the Roanoke Valley Resource Authority, special permission from the Charter Members is needed to accept such waste at the site.

Roanoke County and the Town of Vinton have approved such amendment and it is anticipated that the Resource Authority will also agree to this amendment. The City's Planning Department has determined that the City's Operating Criteria for the Transfer Station will allow for acceptance of the waste and the Sunday hours of operation.

The amendment to the Members Use Agreement will have no fiscal impact. The City of Roanoke budgets for Household Hazardous Waste Collection Events within the VPDES Storm Water Quality Account (008-530-9736).


Mayor Harris and Members of City Council  
March 21, 2005  
Page 3

Recommended Action:

Approve a Fourth Amendment to the Roanoke Valley Resource Authority Members Use Agreement, in a form substantially similar to the one attached.

Authorize the City Manager to execute the Fourth Amendment, in a form substantially similar to the one attached and to take such further action and execute additional documents as may be needed to implement and administer such Amendment; such documents to be approved as to form by the City Attorney.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:pjt

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Robert K Bengtson, Director of Public Works  
Paul J. Truntich Jr., Environmental Administrator

CM05-00034

**FOURTH AMENDMENT TO  
ROANOKE VALLEY RESOURCE AUTHORITY  
MEMBERS USE AGREEMENT**

This Fourth Amendment to Roanoke Valley Resource Authority Members Use Agreement (the "Fourth Amendment") is made as of \_\_\_\_\_, by and among the Roanoke Valley Resource Authority, as successor to the Roanoke County Resource Authority (the "Authority"), the County of Roanoke, Virginia, the City of Roanoke, Virginia, and the Town of Vinton, Virginia, each of which are political subdivisions of the Commonwealth of Virginia.

**RECITALS**

WHEREAS, the parties hereto entered into the Roanoke Valley Resource Authority Members Use Agreement dated October 23, 1991 (the "Members Use Agreement"), as amended by First Amendment to Roanoke Valley Resource Authority Members Use Agreement, dated as of June 1, 1992, Second Amendment to Roanoke Valley Resource Authority Members Use Agreement, dated December 2, 1996, and Third Amendment to Roanoke Valley Resource Authority Members Use Agreement, dated February 1, 1999, among the Authority, the County, the City, and the Town under which the Authority agreed to acquire, construct and equip a regional waste disposal system consisting of a landfill and transfer station and related structures and equipment, and to provide financing therefor in order to dispose of all nonhazardous solid waste delivered to the System by or on behalf of the County, the City and the Town (collectively, the "Charter Members"); and,

WHEREAS, the parties desire to amend the Members Use Agreement to allow the Authority to issue permits to entities to sponsor and conduct a Household Hazardous Waste Collection Day event at the Hollins Road Transfer Station site up to 3 times per calendar year and otherwise in compliance with applicable law.

In consideration of the foregoing, the Authority and the Charter Members each agree as follows:

**ARTICLE I**

**Amendment**

1. The Members Use Agreement is hereby amended to provide, that notwithstanding any other term or provision to the contrary, and for as long as the Series 1992, 1998, and 1999 Revenue Bonds are outstanding under the Indenture of Trust, upon the affirmative vote of all City and County representatives on the Authority, the Authority shall be authorized to sponsor or to issue an appropriate permit to an entity to sponsor and conduct a Household Hazardous Waste Collection Day event at the Hollins Road Transfer Station site up to 3 times per calendar year and otherwise in compliance with applicable law, and such permit may allow for participation by properly authorized residents of jurisdictions other than the Charter Member jurisdictions and to include such other terms and conditions as deemed by the Authority to be in its best interests.

ARTICLE II

Miscellaneous

- 2.1 Severability of Invalid Provisions. If any clause, provision or section of this Fourth Amendment is held to be illegal or invalid by any court, the invalidity of the clause, provision, or section will not affect any of the remaining clauses, provisions or sections, and this Fourth Amendment will be construed and enforced as if the illegal or invalid clause, provision, or section had not been contained in it.
- 2.2 Counterparts. This Fourth Amendment may be executed in any number of counterparts, each of which, when so executed and delivered, will be an original, and the counterparts taken together will constitute one and the same instrument.
- 2.3 Governing Law. This Fourth Amendment shall be governed by the laws of the Commonwealth of Virginia.
- 2.4 Amendments. This Fourth Amendment may be amended only in accordance with the provisions of the Members Use Agreement.

IN WITNESS WHEREOF, the parties have caused this Fourth Amendment to be executed as of the date above written.

[signature blocks]

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing a Fourth Amendment to the Roanoke Valley Resource Authority Members Use Agreement.

WHEREAS, the City of Roanoke, County of Roanoke, Town of Vinton and the Roanoke Valley Resource Authority (Authority) entered into the Roanoke Valley Resource Authority Members Use Agreement dated October 23, 1991 (the "Members Use Agreement"), as amended by the First Amendment to Roanoke Valley Resource Authority Members Use Agreement, dated June 1, 1992, the Second Amendment to the Roanoke Valley Resource Authority Members Use Agreement, dated December 2, 1996, and the Third Amendment to Roanoke Valley Resource Authority Members Use Agreement, dated February 1, 1999, pursuant to which the Authority agreed to acquire, construct and equip a regional waste disposal system (System) consisting of a landfill and transfer station and related structures and equipment, and to provide financing therefor in order to dispose of all nonhazardous solid waste delivered to the System by or on behalf of the County, the City, and the Town (collectively, the "Charter Members"); and

WHEREAS, the Charter Members desire to amend further the Members Use Agreement to allow the Authority to sponsor Household Hazardous Waste Collection Day Events or to issue permits to entities to sponsor and conduct a Household Hazardous Waste Collection Day event at the Hollins Road Transfer Station site up to 3 times per calendar year and otherwise in compliance with applicable law.



THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council hereby approves the Fourth Amendment in substantially the form attached to the City Manager's letter dated March 21, 2005, as Attachment A. The City Manager and such officers and agents as she may designate are authorized and directed to execute and deliver the Fourth Amendment and the Clerk to the City Council is authorized to seal and attest the Fourth Amendment with such changes as such officers deem appropriate to carry out the purposes expressed therein. The form of such Fourth Amendment shall be approved by the City Attorney.

2. This Resolution shall take effect immediately.

3. The City Manager is authorized to take such actions and execute additional documents as may be needed to implement and administer such Fourth Amendment, such additional documents to be approved as to form by the City Attorney.

ATTEST:

City Clerk.

WMT

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION expressing the Council's opposition to a proposal by the FAA to close the Air Traffic Control Tower located at Roanoke Regional Airport between the hours of midnight and 5:00 a.m.

WHEREAS, Roanoke's Air Traffic Control Tower ("Roanoke Tower") was operated at the Roanoke Regional Airport on a 24-hour basis for many years until its hours were limited by the Federal Aviation Administration ("FAA") after the air traffic controllers' strike in the early 1980s;

WHEREAS, in order to protect the public and promote economic development in the air service area served by the Roanoke Regional Airport, which area consists of 19 counties and contains more than three-quarters of a million people, the Roanoke Regional Airport Commission, the City of Roanoke, the County of Roanoke, and federal legislative representatives worked tirelessly for more than fifteen years to restore 24-hour tower operations;

WHEREAS, the 24-hour local coverage was finally re-established at the Roanoke Regional Airport in July 1999;

WHEREAS, the FAA has recently proposed that the Roanoke Tower again be closed between the hours of midnight and 5 a.m. as a way to cut costs;

WHEREAS, the safety and terrain issues present in 1999 remain today; and

WHEREAS, closing the Roanoke Tower during early morning hours would jeopardize unnecessarily public safety and harm economic development in the Roanoke Valley and in the region in the following ways:

1. The Roanoke Regional Airport is the largest airport and the Roanoke Tower is the only 24-hour tower in western and southwestern Virginia; the Roanoke Tower also is responsible for handling late night and early morning air traffic for the Lynchburg Regional Airport;

2. In order to provide for the well-being of pilots, passengers, and the citizens of the Roanoke Regional Airport air service area, it is most desirable and safer to have controllers in the Roanoke Tower at all times who can hear pilots and see the airfield in order to assist aircraft in difficulty and respond to emergency situations;

3. The same level of safety and response to aviation users of Roanoke Regional Airport and Lynchburg Regional Airport cannot be provided by controllers located at the FAA's Washington Center, which is over 200 miles from Roanoke, available only by radio and already serving many other air service areas and hundreds of aircraft;

4. The Roanoke Regional Airport has cargo carriers operating large aircraft, general aviation aircraft, and occasional large jet charters, including, among others, aircraft carrying Virginia Tech athletic teams, which operate between the hours of midnight and 5:00 a.m. in reliance on the Roanoke Tower being in operation;

5. Although passenger aircraft frequently need to and do land at the Roanoke Regional Airport after midnight due to schedules, or weather and mechanical delays, passenger carriers will refuse to land at such times if the Roanoke Tower is closed;

6. Having the Roanoke Tower open and available to handle passenger and cargo aircraft on a 24-hour basis is vital to economic development and the growth of the Roanoke Valley; and

7. Due to visibility problems and the applicable FAA regulations, if the hours of the Roanoke Tower are limited, land between the Roanoke Tower and the intersection of the runways that is critical for future airport growth cannot be developed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Council adopts this means of expressing its strongest possible opposition to the FAA's proposal to close the Air Traffic Control Tower located at Roanoke Regional Airport between the hours of midnight and 5:00 a.m.

2. The City Clerk is directed to forward an attested copy of this resolution to The Honorable John Warner, The Honorable George Allen, The Honorable Robert W. Goodlatte, The Honorable Rick Boucher, The Honorable Virgil Goode, FAA Administrator Marion C. Blakey, The Honorable Chairman and Members of Roanoke County Board of Supervisors, The Honorable Mayor and Members of Lynchburg City Council, and the governing bodies of the jurisdictions served by the Roanoke Regional Airport.

ATTEST:

City Clerk.



Architectural Review Board  
Board of Zoning Appeals  
Planning Commission

## CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166  
Roanoke, Virginia 24011  
Telephone: (540) 853-1730 Fax: (540) 853-1230  
E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

March 21, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from Westwin of Roanoke, LLC, represented by David C. Helscher, attorney, that property located at the southwesterly corner of Jefferson Street and Yellow Mountain Road, identified as Official Tax No. 4060601, be rezoned from C-1, Office District, to INPUD, Institutional Planned Unit Development District.

### Planning Commission Action:

Planning Commission public hearing was held on Thursday, February 17, 2005. By a vote of 5-0 (Messrs. Butler, Rife, Scholz, Williams and Ms. Prince voting in favor; Mr. Chrisman absent; and Mr. Manetta abstaining), the Commission recommended approval of the Second Amended Petition for rezoning.

### Background:

A rezoning petition was filed on December 2, 2004. A First Amended Petition was filed on December 7, 2004. The petition proposes to rezone Tax Map Number 4060601, consisting of 2.055 acres, from conditional C-1, Office District, to INPUD, Institutional Planned Unit Development District, in order to develop a 42-unit condominium development with two levels of parking. The current uses of the property are an off-site surface parking lot for Carilion Health Systems and an unoccupied dwelling.

The Planning Commission held a public hearing on January 20, 2005. At the petitioner's request, the matter was continued to the February 17, 2005, meeting in order to respond to Planning Commission and staff concerns. A Second Amended Petition was filed on March 1, 2005, to reflect changes to the development plan as presented to the Planning Commission on February 17, 2005.

#### Considerations:

The surrounding land uses and zoning districts include:

- To the north and east across Yellow Mountain Road are the Crystal Spring Water Filtration Plant and Mill Mountain park land zoned RS-3, Residential Single Family District.
- To the south across 22<sup>nd</sup> Street is a two-family dwelling and a multifamily condominium development zoned RM-2, Residential Multifamily Medium Density District.
- To the west is a single family dwelling and the First Presbyterian Church zoned C-1, Office District.

The proposed development is consistent with several design principles addressed in the following actions and statements in *Vision 2001-2020*:

- Higher-density residential development should be concentrated within and immediately adjacent to village centers. (p. 91)
- Building location and design should be considered as important elements of the streetscape and should be used to define the street corridor as a public place (p.95).
- Building height and location should create a feeling of enclosure along a street. Residential and commercial buildings should be located very close to streets with low vehicle speeds (p.95).
- Visual clutter and excessive lighting should be discouraged. Signs should be consolidated and attractively designed (p.92).

The housing section of the *South Roanoke Neighborhood Plan*, completed in 1988, contains the following statements:

“Residents indicated that single-family houses are needed in the neighborhood and the existing homes should be preserved as single-family structures... to encourage home ownership for new families.

Housing for elderly residents also is needed to provide for those wishing to remain or retire in South Roanoke. Apartments and condominiums were identified as important in fulfilling this need.

The design of new residential construction was identified as a concern... New construction should be compatible with the existing residences and complement neighborhood character.”

This development provides multifamily and condominium opportunities without converting existing single-family structures. The design is compatible with the existing residences and will complement neighborhood character.

The neighborhood plan further notes that parking was an issue with expansion of medical-related facilities in residential areas. All of the new residential units will have structured on-site parking. Even though the development will occupy what is now a commercial parking lot, it will not displace the existing parking supply.

The petition satisfies the development standards for an INPUD, Institutional Development Planned Unit Development rezoning under Section 36.1-398 of the Zoning Ordinance. The proposed floor area ratio of 2.24:1, which is below the maximum floor area ratio of 10:1. Although there is no minimum yard requirement, the proposed building is required to be no closer than 50 feet to any lot outside the INPUD district which is either a residential district or contains a residential use. The maximum height is limited to an average of 45 feet because the subject property abuts adjacent residential uses. The elevation drawings show the height calculations of the building on the Institutional Development Plan (Sheet 3 of 3) as 44.4 feet average height. The site area dedicated to open space is 37.8%, exceeding the district requirement of 20% of the gross lot area. Furthermore in accordance with district standards, no outdoor storage will be permitted on-site and no parking areas will be allowed less than fifteen feet to a lot outside the INPUD district which is either in a residential district or contains a residential use.

The petition satisfies the INPUD, Institutional Planned Unit Development application requirements under Section 36.1-399 of the Zoning Ordinance. The general notes and drawings on the Institutional Development Plan address the submittal requirements. All parking facilities are labeled and detailed on the Institutional Development Plan (including two levels of structured parking under the building). Less than 10% of the parking is provided in the surface lots. Existing and proposed pedestrian routes are detailed on Sheets 1 and 2 of the Institutional Development Plan. Sheet 1 shows two pedestrian connections from the building to a sidewalk along Yellow Mountain Road and two pedestrian connections from the building to a sidewalk proposed for Jefferson Street. A sidewalk is illustrated along each of the three street frontages of the subject parcel on Sheet 1.

The Institutional Development Plan illustrates the proposed dedicated open spaces and required street trees. Being a triangular shaped lot with three street frontages, street frontage trees will create 6% canopy coverage. Existing trees will be preserved where possible, as shown on Sheet 1. The petitioner has responded to an earlier staff recommendation to add language to development note #7, that any removal of existing trees will be subject to City approval.

The compatibility statement on Sheet 1, along with the elevations, satisfy the requirement that the building be architecturally consistent with buildings in the surrounding area. The height of the building varies due to the topography. The Jefferson Street façade will have the most exposure and more apparent height than the 22<sup>nd</sup> Street and Yellow Mountain Road facades. The Jefferson Street façade is adjacent to more intensely developed office and institutional uses to the north and west of the site. The bulk of the proposed building is in proportion with the large massing of multifamily, institutional, and office development on the surrounding properties.

Details on site lighting are addressed by note #6 on the development plan, which states that, "No glare producing lighted activities will occur on the site. The maximum light level at the property lines shall be 0.5 footcandles."

The petitioner has addressed staff concerns regarding user access to the waste container fronting on 22<sup>nd</sup> Street with the notation on the revised development plan that "resident access shall be from within the garage." The property is near the Crystal Spring Village Center and other institutional land uses immediately to the north and west. This location promotes the design principles of Vision 2001-2020 by locating higher density development in and near a village center. Furthermore, the property is located at a transition between commercial and residential zones. The proposed high density multifamily use will provide a good step down in intensity between commercial and lower density residential uses within the South Roanoke neighborhood. The adjacent residential land uses are primarily two-family and multifamily uses.

Staff believes that additional traffic generated by the development can be managed with the existing street system. The only concern of the City Traffic Engineer was the Jefferson Street entrance because it was located too close to the Yellow Mountain Road intersection. The proposal presented in the First Amended Petition located the entrance in mid-block, which negatively impacted the design of the building and its relationship to the street. The petitioner responded to concerns about



the location of the Jefferson Street entrance and has resolved discrepancies between the development plan and the elevations. The centerline of the entrance will be located a minimum of 90' from the curb line of Yellow Mountain Road. Access has been changed to "right in/right out," which will be controlled with a raised median structure. Restricting turning movements will prevent stacking of left turning vehicles on Jefferson Street. The petitioner met with Mark Jamison, City Traffic Engineer, to confirm that this approach is acceptable to his office.

Staff has been contacted several times by Mr. Ben Bennett (2206 Jefferson Street, Unit 106). Mr. Bennett has forwarded a letter to the Planning Commission which outlines his concerns. Staff feels that many of Mr. Bennett's concerns relate to the operation of Carilion's facilities, which are not relevant to the consideration of the rezoning petition.

Recommendation:

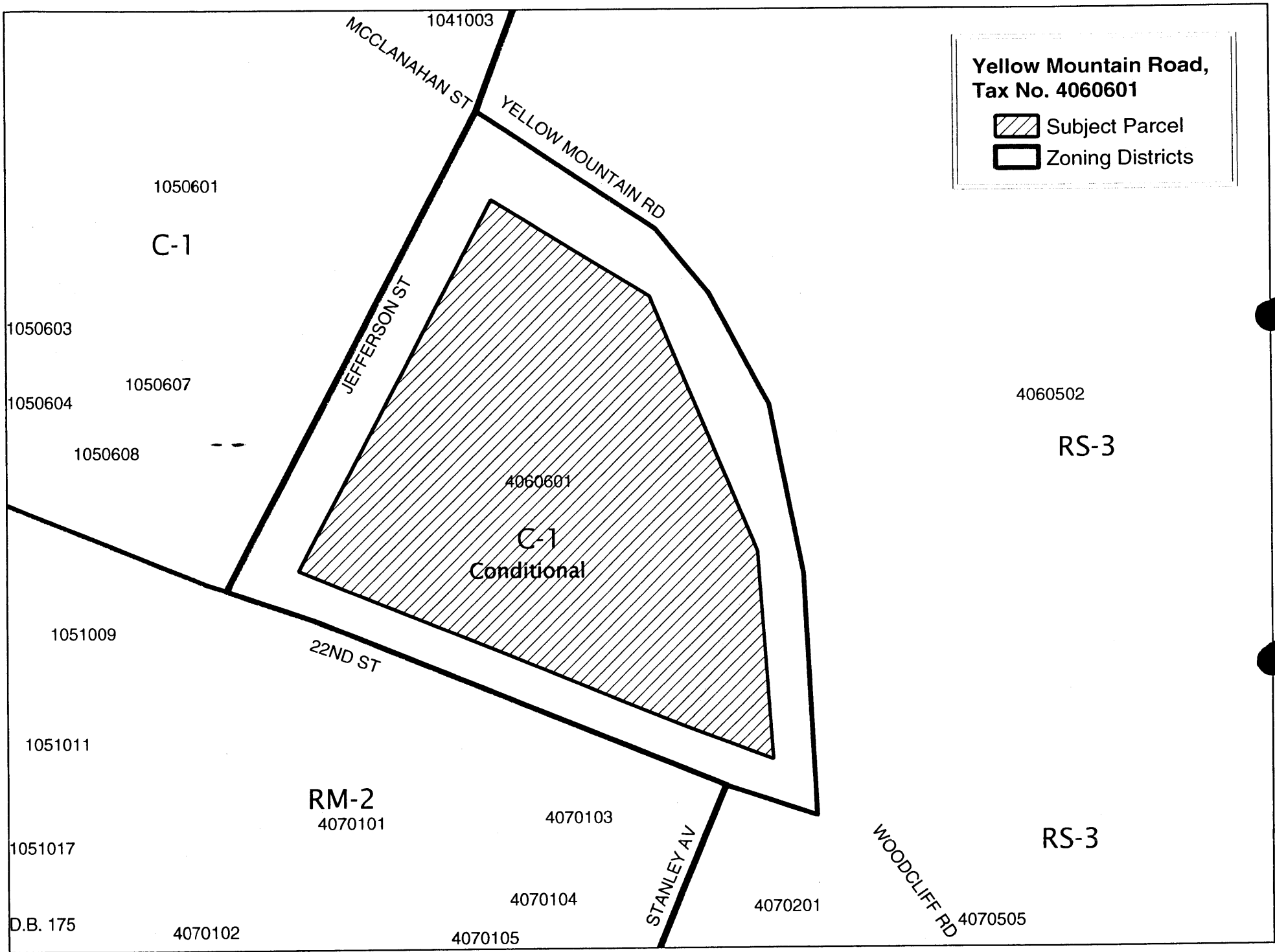
By a vote of 5-0, the Commission recommended approval of the rezoning request. The petition satisfies the application requirements for the district and promotes the design principles of *Vision 2001-2020*, and is consistent with the *South Roanoke Neighborhood Plan*.

Respectfully submitted,



A handwritten signature in black ink that reads "Richard A. Rife". To the right of the signature, the initials "RRS" are written in a smaller, more compact script.

Richard A. Rife, Chairman  
City Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Russell, Assistant City Manager for Community  
Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
David Helscher, Attorney for the Petitioner



**Yellow Mountain Road,  
Tax No. 4060601**

-  Subject Parcel
-  Zoning Districts

## SECOND AMENDED PETITION

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of property totaling 2.055 acres, more or less, identified as Tax Parcel No. 4060601, (hereinafter "the property"), located at the southwesterly corner of Jefferson Street and Yellow Mountain Road, from conditional C-1 Office District to INPUD, Institutional Planned Unit Development District.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, WESTWIN OF ROANOKE, LLC, a Virginia limited liability company, is the contract purchaser of property containing 2.055 acres, more or less, also known as Tax Map No. 4060601, being a tract of land located at the southwest corner of Jefferson Street and Yellow Mountain Road, which tract is currently zoned conditional C-1, Office District. A map of the property to be rezoned is attached as Exhibit 1 and a metes and bounds description is attached as Exhibit 2.

1. Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner, with the knowledge and consent of the owner, CHS, Inc., as evidenced by the attached Consent, attached hereto as Exhibit 3, requests that the PROPERTY to be re-zoned from conditional C-1 Office District, to INPUD, Institutional Planned Unit Development District, for the purpose of constructing a condominium which will include not more than 42 residential units and underground parking on the site.
2. The Petitioner believes the re-zoning of said tract of land will further the intent and purposes of the city's zoning ordinance and its comprehensive plan, in that it will enable the parcel to be used both for an upscale residential project as well as to allow parking both for the residents and for CHS, Inc., the current owner of the property and

its employees who work in the vicinity of this property.

3. Attached as Exhibit 4 are the names, addresses and tax numbers of the owners of all lots or property immediately adjacent to and immediately across a street or road from the property to be rezoned.

4. An Institutional Development Plan prepared by Lumsden Associates dated February 7, 2005, is attached as Exhibit 5-1, 5-2 and 5-3.

5. As required by Section 36.1-399, the Petitioner represents that the following application requirements have been met::

(a) The boundaries of the INPUD District involved and the ownership of properties contained therein as well as all existing public and private streets, alleys and easements are shown on the attached development plan.

(b) The location of all proposed parking facilities, including surface parking as well as underground parking are shown on the attached development plan.

(c) There will be no change in the public streets adjoining the property and the entrances and exits are as depicted on the attached site plan.

(d) All pedestrian routes as well as open space calculations are shown on the attached site plan.

(e) The size and location of existing storm water, sanitary sewer and water lines are shown on the attached site plan as well as any proposed connection to those utilities. Petition believes that the proposed project will have no impact or a positive impact on the stormwater drainage as the existing parking lots are currently draining to an underground holding area and the new project will extend the storm drainage to existing stormwater drainage lines.

(f) Petitioner believes and therefore alleges that the compatibility of the proposed structures to be built by petitioner are compatible and consistent with the character and appearance of the surrounding neighborhood as shown on the attached site plan. The design of the building is intended to reflect its use as an urban residential community that is a transition between commercial and institutional uses north of the site and the mixed residential neighborhood to the south. The building will be constructed in a Georgian classical style to emulate the character of the residential neighborhood. The building will be predominantly brick with stucco/driver accents and trim. The base at the parking garage decks will be stucco with bronze or black metal painted screens to minimize view into the interior. The scale of the building is intended to be complementary to the adjacent properties. The Jefferson Street elevation is the commercial/institutional side of the building that reflects the scale of First Presbyterian Church, across the street and the hospital, which is in the next block. The 22<sup>nd</sup> Street elevation is complimentary to the condominium constructed across the street, a three story brick building with a garage under.

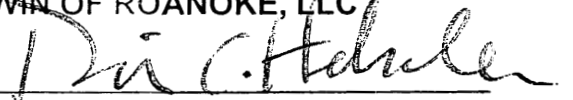
(g) There will be minimal exterior lighting and any such lighting will be directed to the structure or toward the ground and away from adjoining properties, to reduce glare.

WHEREFORE, the petitioner requests that the above-described property be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 24 day of Feb, 2005.

WESTWIN OF ROANOKE, LLC

BY



OF COUNSEL

David C. Helscher, Esq.  
OSTERHOUDT, PRILLAMAN, NATT, HELSCHER,  
YOST, MAXWELL & FERGUSON, P.L.C.  
P. O. Box 20487  
Roanoke, VA 24018-0049  
Phone: (540) 725-8182  
Fax: (540) 772-0126  
VSB #12626

## KNOW ALL MEN BY THESE PRESENTS, TO WIT:

THAT CHS, INC. IS THE FEE SIMPLE OWNER OF THE TRACT OF LAND SHOWN HEREON BOUNDED BY CORNERS 1 THRU 3 TO 5 TO 6 TO 1, INCLUSIVE WHICH COMPRISES ALL OF THE LAND CONVEYED TO SAID COMPANY BY VIRTUE OF DEED RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE CITY OF ROANOKE, VIRGINIA IN DEED BOOK 1723 PAGE 85.

THE SAID OWNERS AND THEIR RESPECTIVE REPRESENTATIVES CERTIFY THAT THEY HAVE SUBDIVIDE AND COMBINED THE LAND SHOWN HEREON ENTIRELY WITH THEIR OWN FREE WILL AND ACCORD AS REQUIRED BY SECTION 15.2-2240 THRU 15.2-2279 OF THE 1950 CODE OF VIRGINIA, AS AMENDED TO DATE, AND FURTHER PURSUANT TO AND IN COMPLIANCE WITH THE ROANOKE CITY LAND SUBDIVISION ORDINANCE.

IN WITNESS WHEREOF ARE HEREBY PLACED THE FOLLOWING SIGNATURES:

Brian W. Anderson  
AGENT FOR CHS, INC.  
Brian W. Anderson, Secretary

11/24/04  
DATE

STATE OF Virginia  
City of Roanoke TO WIT:

I, Rachel Mabe, A NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA, DO HEREBY CERTIFY THAT BRIAN W. ANDERSON HAS APPEARED BEFORE ME AND HAS ACKNOWLEDGED THE FOREGOING INSTRUMENT ON THIS 24<sup>TH</sup> DAY OF NOVEMBER, 2004.

Rachel A. Mabe  
NOTARY PUBLIC  
7.31-05  
MY COMMISSION EXPIRES

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROANOKE VIRGINIA, THIS MAP IS PRESENTED AND WITH THE CERTIFICATES OF ACKNOWLEDGMENT THERETO ANNEXED IS ADMITTED TO RECORD AT 5:27 O'CLOCK P. M. ON THIS 24<sup>TH</sup> DAY OF NOVEMBER, 2004.

TESTE: BRENDA HAMILTON, CLERK

BY: Brian W. Anderson  
DEPUTY CLERK

APPROVED:

David A. Bess  
CITY ENGINEER, CITY OF ROANOKE, VA

11-27-04  
DATE

David A. Bess  
AGENT, CITY OF ROANOKE PLANNING COMMISSION

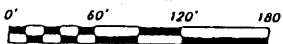
11-27-04  
DATE

**ACS**  
**DESIGN**

Engineering Planning Surveying  
Construction Management

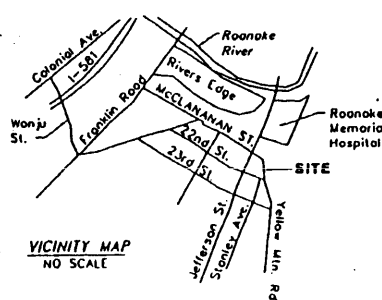
2201 Peters Drive Road, NE  
Roanoke, Virginia 24017  
Phone: 540 542 2345  
Fax: 540 542 2344  
Email: info@acsdesign.com  
www.acsdesign.com

GRAPHIC SCALE



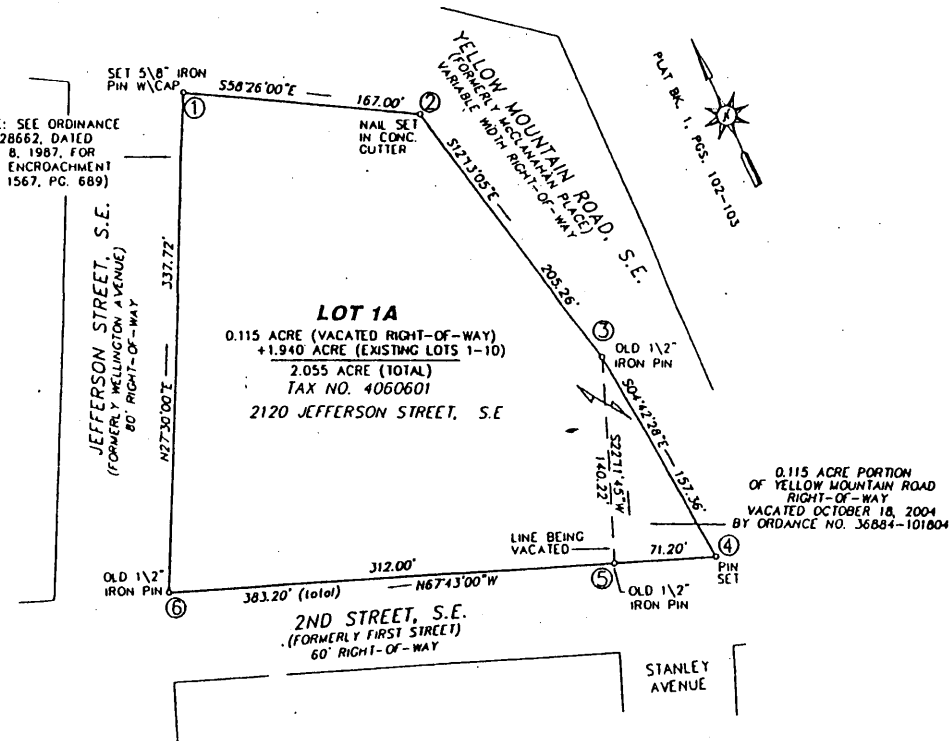
COORDINATE TABLE  
(ORIGIN ASSUMED)

NO.	NORTHING	EASTING
1	4909.3412	4863.1426
2	4817.0057	5002.2942
3	4614.9973	5038.7066
4	4457.8123	5046.1407
5	4487.0949	4981.2366
6	4615.4046	4696.8414
1	4909.3412	4863.1426



VICINITY MAP  
NO SCALE

NOTE: SEE ORDINANCE  
NO. 28662, DATED  
JUNE 8, 1987, FOR  
WALL ENCROACHMENT  
(D.B. 1567, PG. 689)



## NOTES:

- LEGAL REFERENCE: DEED BOOK 1723, PAGE 85  
TAX MAP NO. 4060601  
CURRENT OWNER: CHS, INC.
- THIS PLAT IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY A TITLE REPORT BY A LICENSED ATTORNEY.
- THE SUBJECT PROPERTY IS LOCATED IN FLOOD INSURANCE ZONE 'X' AS DESIGNATED BY FEMA FLOOD INSURANCE RATE MAP 51161C0048 D, DATED OCTOBER 15, 1993.
- THIS PLAT WAS PRODUCED FROM PRIOR SURVEYS AND EXISTING RECORDS. NO IMPROVEMENTS ARE SHOWN.
- THE RECORDATION OF THIS PLAT OF SUBDIVISION DOES NOT CONSTITUTE A CONVEYANCE OF LAND. ANY LOT, PARCEL OR TRACT OF LAND SHOWN HEREON THAT IS INTENDED FOR SALE AND/OR CONVEYANCE MUST BE CONVEYED BY DEED AND SAID DEED MUST BE RECORDED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF THE CITY OF ROANOKE.

PLAT FROM RECORDS FOR FOR  
**CHS, INC., A VIRGINIA CORPORATION**

COMBINING A 0.115 ACRE PORTION OF THE VACATED RIGHT-OF-WAY ORDINANCE NO. 36884-101804, DATED OCTOBER 18, 2004 WITH LOTS 1-10, BLOCK 67 - 1.940 ACRES TOTAL CRYSTAL SPRING LAND COMPANY CREATING HEREON LOT 1A - 2.055 ACRES SITUATE ON YELLOW MOUNTAIN ROAD, 22ND STREET AND JEFFERSON STREET

CITY OF ROANOKE, VIRGINIA  
DATE: OCTOBER 28, 2004  
SCALE: 1" = 60'

THIS PLAT IS CORRECT TO THE  
BEST OF MY KNOWLEDGE AND  
BELIEF.

David A. Bess  
DAVID A. BESS, L.S.



## EXHIBIT 2

### PROPERTY DESCRIPTION

BEGINNING at an iron pin set at the southwesterly point of intersection of Yellow Mountain Road (variable width) and Jefferson Street (80 feet wide) at a point marked "1" on the hereinafter described plat; thence with Yellow Mountain Road the following three (3) courses and distances: S 58°26'00" E 167 feet to a nail set in the concrete gutter marked "2"; S 12°13'05" E 205.26 feet to an old iron pin at a point marked "3"; thence S 04°42'28" E 157.36 feet to a pin set at the point of intersection of Yellow Mountain Road and 22<sup>nd</sup> Street, SE, (60 feet wide); thence leaving Yellow Mountain Road and with the line of 22<sup>nd</sup> Street, SE, N 67°43'00" W 383.20 feet to an old iron pin located on the southwesterly right of way line of Jefferson Street; thence with the same, N 27°30'00" E 337.72 feet to the place of BEGINNING, and containing 2.055 acres and being official Tax Map Number 4060601 as more particularly shown on plat of survey made by David A. Bess, LS, dated October 28, 2004, entitled "Plat of Combining Made for CHS, Inc., a Virginia corporation, Combining a 0.115 Acre Portion of the Existing Right-of-Way of Yellow Mountain Road With Lots 1-10, Block 67 – 1.940 Acres Total – Crystal Spring Land Company Creating Hereon Lot 1 – 2.055 Acres Situate on Yellow Mountain Road, 22<sup>nd</sup> Street, SE, and Jefferson Street", recorded in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, in Map Book 1, page \_\_\_\_\_.



EXHIBIT 3

CONSENT STATEMENT

The undersigned is the owner of Tax Parcel 4060601, being a 2.055 acre tract (hereinafter "property"), located at the southwest corner of Jefferson Street and Yellow Mountain Road. The undersigned has contracted to sell the property to Westwin of Roanoke, LLC, (hereinafter "Westwin"), and is aware of and consents to the rezoning petition filed by Westwin from the current conditional C-1, Office District to Institutional Planned Unit Development District.

CHS, INC.

By: Bruce T. Anderson Secretary  
Its duly authorized officer

**EXHIBIT 4**  
**ADJOINING PROPERTY OWNER LISTING**

1. Tax Map No. 1041003  
Owner: Roanoke Hospital Assn.  
Mailing address: P. O. Box 40032, Roanoke, VA 24022-003
2. Tax Map Nos. 1050601, 1050607, 1050608  
Owner: Trustees, First Presbyterian Church  
Mailing address: P. O. Box 8538, Roanoke, VA 24014
3. Tax Map No. 4070103  
Owner: Henderson Davis Properties, LLC  
Mailing address: 1010 2<sup>nd</sup> Street, SW, Roanoke, VA 24016
4. Tax Map No. 4060502  
Owner: City of Roanoke Water Dept.  
Mailing address: 215 Church Avenue, SW, Room 250, Roanoke, VA 24011
5. Tax Map No. 4070107  
Owner: Dorothy G. Laurie  
Mailing address: 2208 Jefferson Street, Unit 101, Roanoke, VA 24014
6. Tax Map No. 4070108  
Owner: Elizabeth J. Pence  
Mailing address: 2208 Jefferson Street, Unit 102, Roanoke, VA 24014
7. Tax Map No. 4070109  
Owner: Carlton and Marianne Waskey  
Mailing address: 2208 Jefferson Street, Unit 103, Roanoke, VA 24014
8. Tax Map No. 4070110  
Owner: Agnes G. Blair  
Mailing address: 2208 Jefferson Street, Unit 104, Roanoke, VA 24014
9. Tax Map No. 4070111  
Owner: Harry R. Yates, Jr.  
Mailing address: 2208 Jefferson Street, Unit 105, Roanoke, VA 24014
10. Tax Map No. 4070112  
Owner: Benjamin F. and Constance R. Bennett  
Mailing address: 2208 Jefferson Street, Unit 106, Roanoke, VA 24014

11. Tax Map No. 4070113  
Owner: Anne Willis Taylor  
Mailing address: 14312 West Shore Lane, Midlothian, VA 23112
12. Tax Map No. 4070114  
Owner: Henry T. Brobst  
Mailing address: 2208 Jefferson Street, Unit 208, Roanoke, VA 24014
13. Tax Map No. 4070115  
Owner: Ruth K. Althouse  
Mailing address: 2208 Jefferson Street, Unit 209, Roanoke, VA 24014
14. Tax Map No. 4070116  
Owner: Lois M. Densmore  
Mailing address: 2208 Jefferson Street, Unit 210, Roanoke, VA 24014
15. Tax Map No. 4070117  
Owner: William J. and Barbara O. Thornton  
Mailing address: 2208 Jefferson Street, Unit 211, Roanoke, VA 24014
16. Tax Map No. 4070118  
Owner: William A. and Virginia W. Magee  
Mailing address: 2208 Jefferson Street, Unit 212, Roanoke, VA 24014
17. Tax Map No. 4070119  
Owner: Gerald D. Lee  
Mailing address: 2208 Jefferson Street, Unit 313, Roanoke, VA 24014
18. Tax Map No. 4070120  
Owner: Daniel B. and Nancy B. Leonard  
Mailing address: 4510 Silver Cliff Court, Castle Rock, CO 80108
19. Tax Map No. 4070121  
Owner: George B. Cartledge, Jr.  
Mailing address: 2208 Jefferson Street, Unit 315, Roanoke, VA 24014
20. Tax Map No. 4070122  
Owner: Dorothy J. Turner  
Mailing address: 2208 Jefferson Street, Unit 316, Roanoke, VA 24014
21. Tax Map No. 4070123  
Owner: Elmer O. Rodes, Jr.  
Mailing address: 2208 Jefferson Street, Unit 317, Roanoke, VA 24014

22. Tax Map No. 4070505

Owner: Leman Dudley

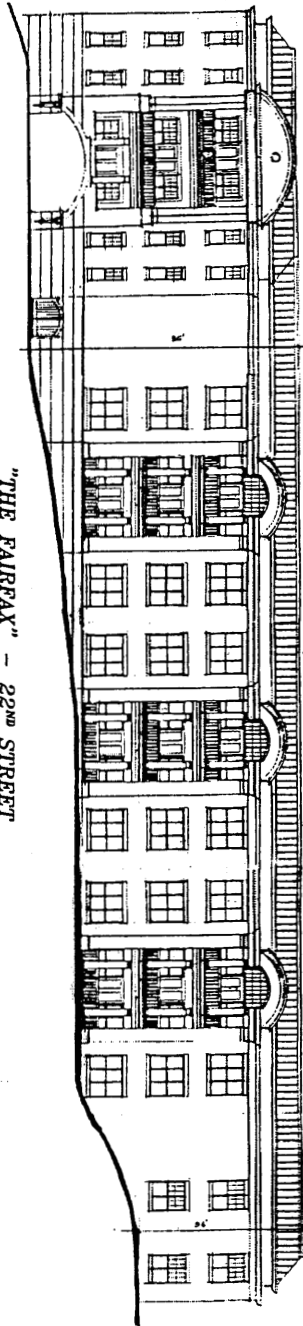
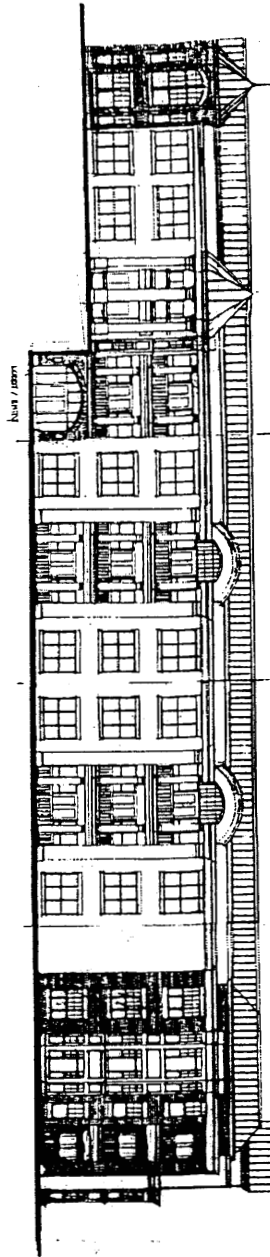
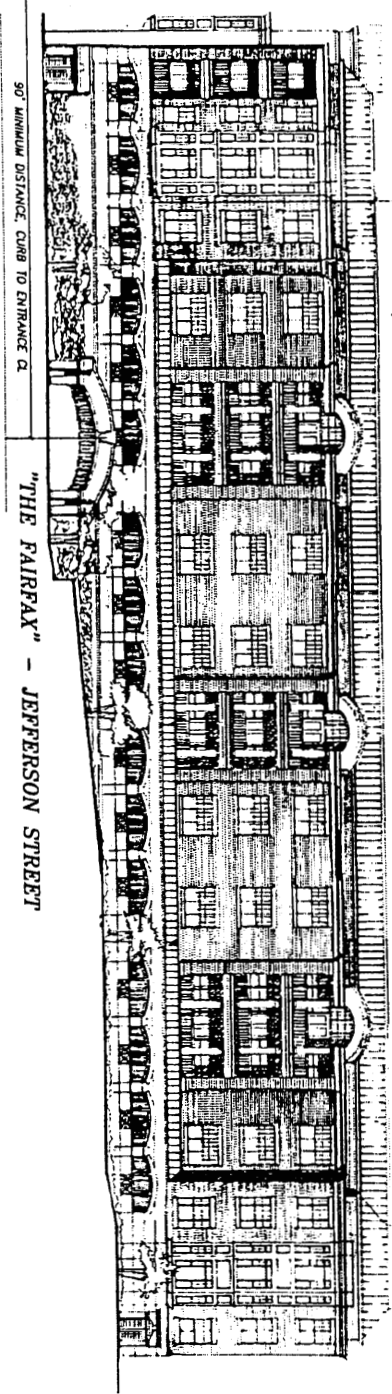
Mailing address: 1710 Dawn Lane, Roanoke, VA 24018

23. Tax Map No. 4070201

Owner: Garland L. Bowman, II

Mailing Address: 2201 Yellow Mountain Road, SE, Roanoke, VA 24014

F:\USERS\tashley\Zoning\Zoning.doc

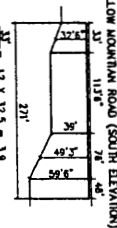


ARCHITECTURAL RENDERINGS AND  
BUILDING HEIGHT CALCULATIONS  
PROVIDED BY  
NARMOUR WRIGHT ARCHITECTURE

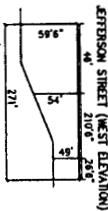
- NOTES:
1. FOR SITE AND ZONING REGULATIONS, SEE SHEETS 1 OR 2 OF 1.
  2. THE LOWER PARKING DECK DISTANCE ON JEFFERSON STREET HAS BEEN REVISED FROM THE ORIGINAL SUBMITTAL.

AVERAGE BUILDING HEIGHT COMPUTATION:

NOTE: FULL ELEVATION DRAWING FOR YELLOW MOUNTAIN ROAD NEW TO SOUTH AND SHOWN



35' - 12' X 32.5' - 3.8'  
11.5' - 42' X 39' - 16.36' - 44.7' AVG. HT.  
27' - 28' X 48' - 13.48'  
27' - 18' X 56.5' - 10.21'

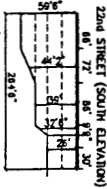


35' - 12' X 32.5' - 3.8'  
11.5' - 42' X 39' - 16.36' - 44.7' AVG. HT.  
27' - 28' X 48' - 13.48'  
27' - 18' X 56.5' - 10.21'

35.1' (YELLOW Mtn. ROAD)	54' (JEFFERSON STREET)
44.7' (YELLOW Mtn. ROAD)	43.6' (22ND STREET)
17.18' / 4	
= 44.4' TOT. AVG. HEIGHT	

YELLOW MOUNTAIN ROAD (NORTH ELEVATION)

35' - 12' X 32.5' - 3.8'  
11.5' - 42' X 39' - 16.36' - 44.7' AVG. HT.  
27' - 28' X 48' - 13.48'  
27' - 18' X 56.5' - 10.21'



35' - 12' X 32.5' - 3.8'  
11.5' - 42' X 39' - 16.36' - 44.7' AVG. HT.  
27' - 28' X 48' - 13.48'  
27' - 18' X 56.5' - 10.21'

REZONING EXHIBIT SHOWING  
PROPOSED ELEVATIONS  
"THE FAIRFAX"

FOR THE PROPERTY OF  
C.H.S. INC.

FOR THE BENEFIT OF  
WESTWIN OF ROANOKE, L.L.C.  
SITUATED ALONG JEFFERSON STREET  
YELLOW MOUNTAIN ROAD & 22 STREET  
CITY OF ROANOKE, VIRGINIA

LUMSDEN ASSOCIATES, P.C.  
ENGINEERS-SURVEYORS-PLANNERS  
ROANOKE, VIRGINIA

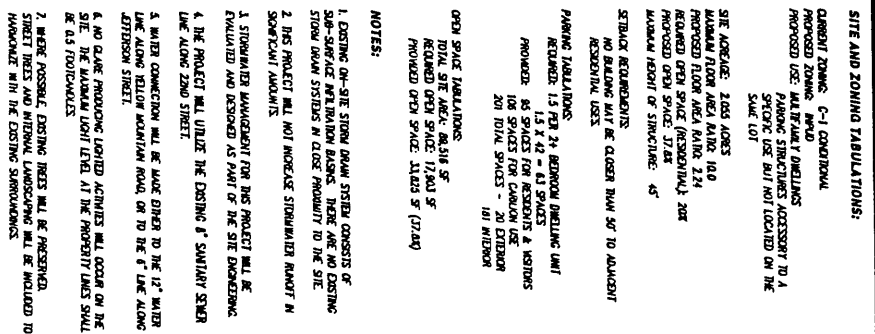
4664 BRAMBLETON AVENUE, SW  
P.O. BOX 20669  
ROANOKE, VIRGINIA 24018

PHONE: (540) 774-4411  
FAX: (540) 772-9445  
E-MAIL: MAIL@LUMSDENPC.COM

DATE: February 7, 2005  
COMM. NO.: 04-226  
SCALE: NOT TO SCALE



SHEET 3 OF 3



REZONING EXHIBIT SHOWING  
EXISTING CONDITIONS  
FOR THE PROPERTY OF  
C.H.S., INC.  
FOR THE BENEFIT OF  
WESTMIN OF ROANOKE, L.L.C.  
SITUATED ALONG JEFFERSON STREET  
YELLOW MOUNTAIN ROAD & 22 STREET  
CITY OF ROANOKE, VIRGINIA

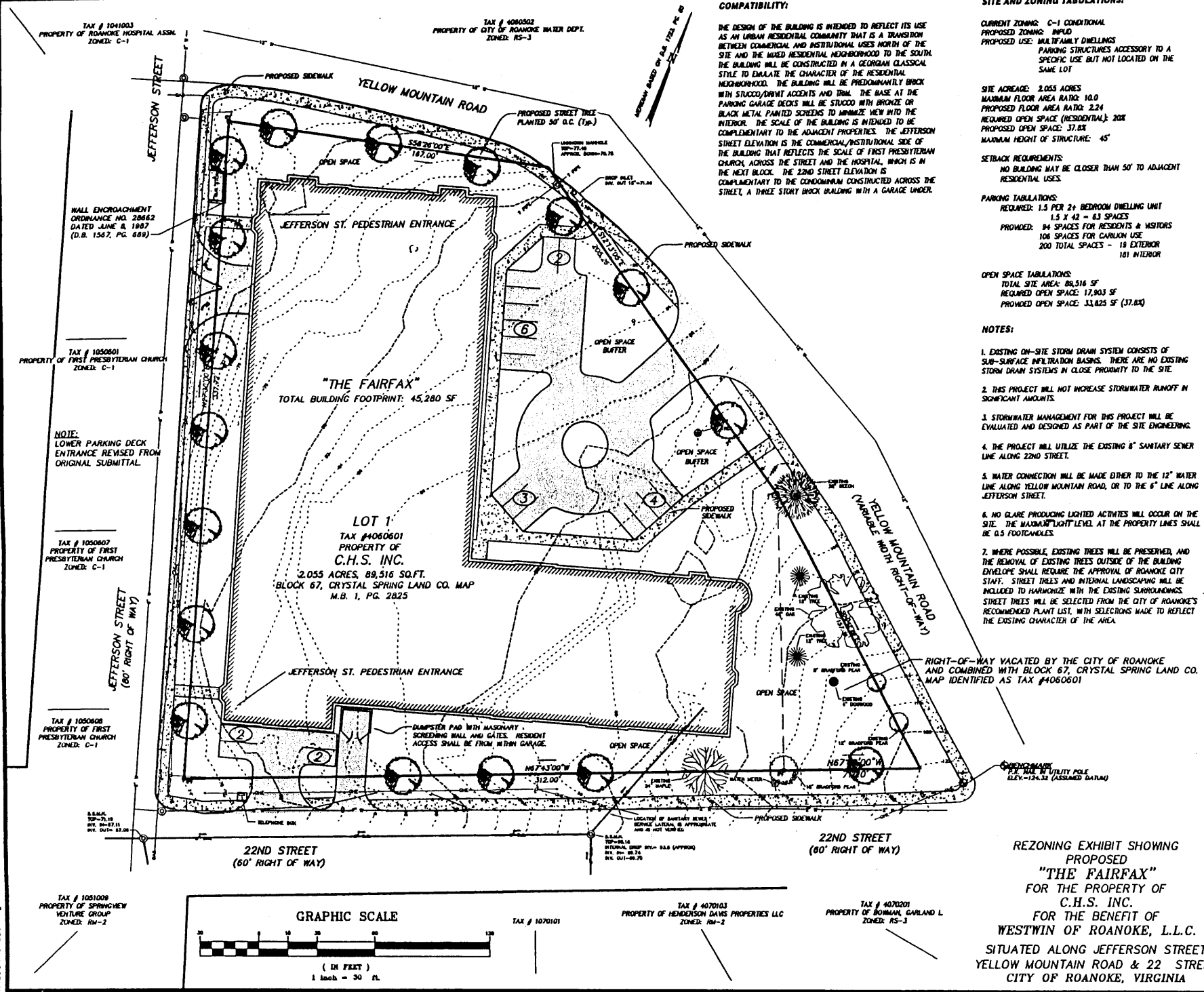
DATE:	February 7, 2005
COMM. NO.:	04-226
SCALE:	1" = 30'



**LUMSDEN ASSOCIATES, P.C.**  
ENGINEERS-SURVEYORS-PLANNERS  
ROANOKE, VIRGINIA

4664 BRAMBLETON AVENUE, SW  
P.O. BOX 20669  
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ROANOKE, VIRGINIA 24018

**LUMSDEN ASSOCIATES, P.C.**  
ENGINEERS-SURVEYORS-PLANNERS  
ROANOKE, VIRGINIA



DATE: February 7, 2005  
CONAL NO: 04-226  
SCALE: 1" = 30'  
SHEET 1 OF 3

**REZONING EXHIBIT SHOWING  
PROPOSED  
"THE FAIRFAX"  
FOR THE PROPERTY OF  
C.H.S. INC.  
FOR THE BENEFIT OF  
WESTWIN OF ROANOKE, L.L.C.  
SITUATED ALONG JEFFERSON STREET  
YELLOW MOUNTAIN ROAD & 22 STREET  
CITY OF ROANOKE, VIRGINIA**

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 406 of the Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

WHEREAS, Westwin of Roanoke, LLC, has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from conditional C-1, Office District, to INPUD, Institutional Planned Unit Development District;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on March 21, 2005, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 406 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner



and no other:

That tract of land located at the southwesterly corner of Jefferson Street and Yellow Mountain Road, containing 2.055 acres, more or less, and designated on Sheet No. 406 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax No. 4060601, be, and is hereby rezoned from conditional C-1, Office District, to INPUD, Institutional Planned Unit Development District, as set forth in the Second Amended Petition filed in the Office of the City Clerk on March 2, 2005, and that Sheet No. 406 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Architectural Review Board  
Board of Zoning Appeals  
Planning Commission

## **CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166  
Roanoke, Virginia 24011  
Telephone: (540) 853-1730 Fax: (540) 853-1230  
E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

March 21, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from the City of Roanoke, that property located at 3379 Colonial Avenue, S.W., Official Tax No. 1570101, be rezoned from RS-2, Residential Single Family District, to RPUD, Residential Planned Unit Development District, such rezoning to be subject to certain conditions proffered by the petitioner.

### **Planning Commission Action:**

Planning Commission public hearing was held on Thursday, February 17, 2005. By a vote of 6-0 (Messrs. Butler, Manetta, Rife, Scholz and Williams and Ms. Price voting for approval and Mr. Chrisman absent), the Commission recommended approval of the rezoning request. A first amended petition was filed on March 3, 2005.

### **Background:**

On December 20, 2004, Roanoke City Council adopted a resolution authorizing the City Manager to file a petition to rezone 23.742 acres, more or less, of City-owned property located on Colonial Avenue, S.W., from RS-2, Single Family Residential District, to RPUD, Residential Planned Unit Development District, subject to the following proffered condition:

That the development of the RPUD District will be governed by the Development Pattern Book, Colonial Green, dated November 1, 2004.

A public hearing was held by the Planning Commission on January 20, 2005. Upon completion of that public hearing, action on the matter was continued until the February 17, 2005, meeting. At the Planning Commission's work session meeting on February 4, 2005, alternative design concepts addressing comments from the public hearing were reviewed and discussed related to the following:

- The design and layout of the commercial/live-work area along the Colonial Avenue frontage
- The design and layout of proposed crescent homes and a multifamily structure on the western edge of the site adjacent to the City-County boundary line.
- The provision of pathways and connections of the development to its surroundings.
- The preservation of existing significant vegetation and the overall resulting tree canopy on the development at build-out.

Consideration:

Surrounding land uses and zoning districts are as follows:

- To the northwest are single-family dwellings along Sedgefield Road in Roanoke County, the Western Virginia Water Authority water tanks, and single-family homes zoned RS-2, Residential Single Family.
- To the north is a single-family dwelling zoned RS-3, Residential Single Family.
- To the northeast are single-family dwellings along Creston Avenue and Robyn Road zoned RS-2, Residential Single Family.
- To the southeast is a single-family dwelling zoned RS-2, Residential Single Family, a church zoned RS-2, Residential Single Family fronting on Colonial Avenue, a medical clinic fronting on Colonial Avenue zoned C-2, General Commercial, and single-family dwellings across Colonial Avenue fronting on Woodland Drive in Roanoke County.
- To the southwest on an adjacent lot is a multifamily apartment complex fronting on Colonial Avenue.

The Colonial Green is a mixed use development comprised of approximately 230 dwelling units with the potential of 14,000 square feet of commercial space. The proposed housing mix includes approximately 28 single-family detached dwellings, 60 townhouse units, and 130 multifamily units. The commercial space would be limited to the commercial/residential building located in proximity to the Colonial Avenue frontage.

The proposed development is consistent with policies and actions of *Vision 2001-2020*, the City's comprehensive plan:

- Development of housing clusters will be used to encourage and promote neighborhood revitalization, replace derelict or neglected structures, and complement the surrounding neighborhood. A housing cluster is a market-rate residential development consisting of a mixture of residential uses on a large site located within or adjacent to existing developments of established neighborhoods (NH P6).
- Limit the amount of impervious surfaces to reduce runoff (EC A13).
- Streetscape: Higher density structures should be built to the building line with parking located in the rear or in parking areas. Single-family attached and detached structures should be built not more than 10 feet set back from the edge of the sidewalk, with parking located in the rear. Where possible, alleys should be created to serve rear access garages and parking areas (p.103).

The Franklin Road/Colonial Avenue Area Plan was adopted by City Council on June 21, 2004. The plan states the following as it relates to the petition:

- This property (Colonial Green) is suited for mixed-density residential development as well as limited commercial development (p.13).
- The Future Land Use Plan designation is mixed residential (p.27)

The proposed development satisfies the general standards and development requirements of Section 36.1-293. As an RPUD, Residential Planned Unit Development, the site must be developed in substantial conformity to the development plan, attached as Exhibit 2.

Section 36.1-293(a)(1) requires compatibility with the surrounding neighborhoods. The development achieves compatibility with providing like uses adjacent to one another. On the western portion of the development, the multifamily structures primarily border an existing multifamily development in the County, while the single family uses border a single family neighborhood along the eastern edge. The RPUD aims to provide architecturally cohesive housing types in relationship to the surrounding neighborhood. The Colonial Green Development Pattern Book (Exhibit 3) sets forth architectural standards and lot characteristics that reflect Roanoke's traditional architecture styles and design principles.

The petitioner satisfies 36.1-293(a)(3) by providing narrow pavement widths to promote slower vehicular speeds through the proposed street grid. The streets will have twelve (12) to fourteen (14) foot travel lanes with many streets having an eight (8) foot parallel parking lane. In addition, most of the single-family and townhouse units will have rear access to driveways and garages off of alleyways. Parking areas for the multifamily units will be primarily structured parking below the residential floors. Sidewalks and pathways will be provided

throughout the development to provide pedestrian connections in the development.

The development plan addresses the landscaping and open space general requirement (36.2-293 (a)(5)). All disturbed soil will be secured with grass, mulch, and other vegetation (Colonial Green Development Pattern Book, p.23). Storm water management areas will be planted with groundcovers, shrubs, and trees to appear as a natural landscape. The low impact development storm water management areas on the western portion of the property not only provide effective storm water quality measures, but also provides for a passive open space between the multifamily units and the detached single family units. The Schematic Planting Plan shows a mixture of tree varieties at a distance of 1 per 50 feet along all streets to provide for pleasant streetscapes. Streetscape trees at maturity alone, would comprise an approximately 5% canopy coverage for the development. Additional canopy coverage would be achieved through the retention of existing mature vegetation, where possible, and the installation of site landscaping for each new development site created in the overall project.

The Schematic Grading Plan demonstrates how the development will reflect the standard using the existing topography and natural character of the site by minimizing grading. Grading of the site will be important to conform to properly engineered street alignment and to finalize on-site storm water management facilities. Proposed changes to the plan will result in existing mature-growth trees remaining in the area bordering the rear property lines of single-family dwellings fronting on Sedgefield Road in Roanoke County. The area is approximately 160 - 170 feet wide as measured between the property line and the back of the proposed crescent homes, and preserves the existing ridge-line and tree canopy. In addition, it is proposed to amend the petition to add an additional proffer related to the overall tree canopy coverage on the site at its build out. A tree canopy coverage ratio of 15% of the total site acreage is proposed to be comprised of existing tree canopy preserved on the site, and the amount of canopy (at maturity) from new tree plantings resulting from development of the site.

The density of units is approximately 9.7 units per acre, which is well below the maximum density of 17 units per acre. The district requires all commercial uses follow sign regulations for a CN, Neighborhood Commercial District. Current CN regulations would allow for approximately 600 square feet of signage for the commercial uses.

The proposed development will employ three (3) storm water management techniques: storm water retention areas, bio-retention areas, and a detention basin. Storm water management easements will be established between the single family homes to allow for each lot to manage its storm water.

The open space for the overall acreage of the site satisfies the requirement that 20% open space be retained for recreational and/or permanent green space. The Colonial Green Development Pattern Book requires all lots with single family, townhouse, or multifamily structures not exceed maximum lot coverage of 50%.

Further study of the Phase III multifamily structure on the western most part of the site has resulted in the reorientation of that structure further away from the northwestern-most property line (now setback a distance of approximately 120 feet), and provides for a much improved orientation of the front of the building to the central Green.

Significant improvements have been made to the parking associated with the proposed mixed use buildings along Colonial Avenue which will result in the commercial/live-work buildings taking a prominent position in relation to the streets, and on-site parking being located to the side and rear of the buildings. While a storm water management facility prohibits locating the mixed use buildings immediately abutting the Colonial Avenue right-of-way line similar to the adjacent medical clinic building, reorientation of the buildings and eliminating front parking spaces will create a more consistent streetscape.

The City's Traffic Engineer determined, through a trip generation analysis, that the development, at full build out, will generate 140 trips during the AM peak period and 165 trips during the PM peak period. Based on these volumes, a traffic signal may not be necessary. However, a final decision should be made based upon traffic counts and observation of actual traffic operations after various stages of the development. The trip generation volumes do require turning lanes to accommodate traffic in and out of the development. Previous improvements to Colonial Avenue established turning lanes for the Carilion medical clinic. This suggested traffic improvement is satisfied since the existing curb cut on Colonial Avenue will be improved to become the gateway into the entire development.

Revisions have also been made to the Colonial Green Development Pattern Book (on pages 8 and 9) to reflect changes in the RPUD Development Plan.

Recommendation:

The Planning Commission recommends that City Council approve an amended petition which includes the following:

- Proffering of a revised Colonial Green Development Pattern Book dated February 17, 2005 (Exhibit 3),
- Revised RPUD Development Plan dated February 17, 2005 and attached (Exhibit 2), and

- An additional proffer stating:
  - A minimum tree canopy ratio of 15% of the total RPUD district will be provided at completion of the project to be comprised of existing tree canopy preserved on the site and new tree plantings (based on canopy at 20 year maturity).

Respectfully submitted,

A handwritten signature in black ink that reads "Richard A. Rife". The signature is written in a cursive, flowing style.

Richard A. Rife, Chairman  
City Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Russell, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney

## **FIRST AMENDED PETITION TO REZONE**

In the Council of the City of Roanoke, Virginia

In Re:           Rezoning of a tract of land lying at 3379 Colonial Avenue, S.W., Official Tax No. 1570101, from RS-2, Residential Single Family District, to RPUD, Residential Planned Unit Development District.

To The Honorable Mayor and Members of the Council of the City of Roanoke:

The petitioner, the City of Roanoke, owns land in the City of Roanoke containing 23.742 acres, more or less, located at 3379 Colonial Avenue, S.W., Official Tax No. 1570101. Said tract is currently zoned, RS-2, Residential Single Family District. A map of the property to be rezoned is attached as Exhibit One.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property be rezoned from RS-2, Residential Single Family District, to RPUD, Residential Planned Unit Development District, for the purpose of a mixed use community that incorporates residential single family, residential multifamily, retain and live/work space along Colonial Avenue. The components of the development will include townhouse dwelling units, live/work studio dwelling units, commercial space, and required public infrastructure and open space. The proposed development plan is shown on the attached Exhibit Two.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's zoning ordinance and its comprehensive plan, in that it will implement a traditional neighborhood design development consisting of a mixture of residential uses and supporting non-residential uses. The planned development effectively utilizes the 23 acre site by combining single family and multifamily dwellings, along with neighborhood services in a compatible layout.

The Petitioner hereby proffers and agrees that if the said tract is rezoned as requested, that the rezoning will be subject to, and that the Petitioner will abide by, the following conditions:

1. That the development of the RPUD District will be governed by the Development Pattern Book, Colonial Green, dated February 17, 2005, and attached as Exhibit 3.



2. A minimum tree canopy ratio of 15% of the total RPUD District will be provided at completion of the project to be comprised of existing tree canopy preserved on the site and new tree plantings (based on canopy at 20 year maturity).

Attached as Exhibit Four are the names, addresses and tax map numbers of the owner or owners of all lots immediately adjacent to and immediately across the street from the property to be rezoned.

WHEREFORE, the Petitioner requests that the above described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 3<sup>rd</sup> day of March, 2005.

By:

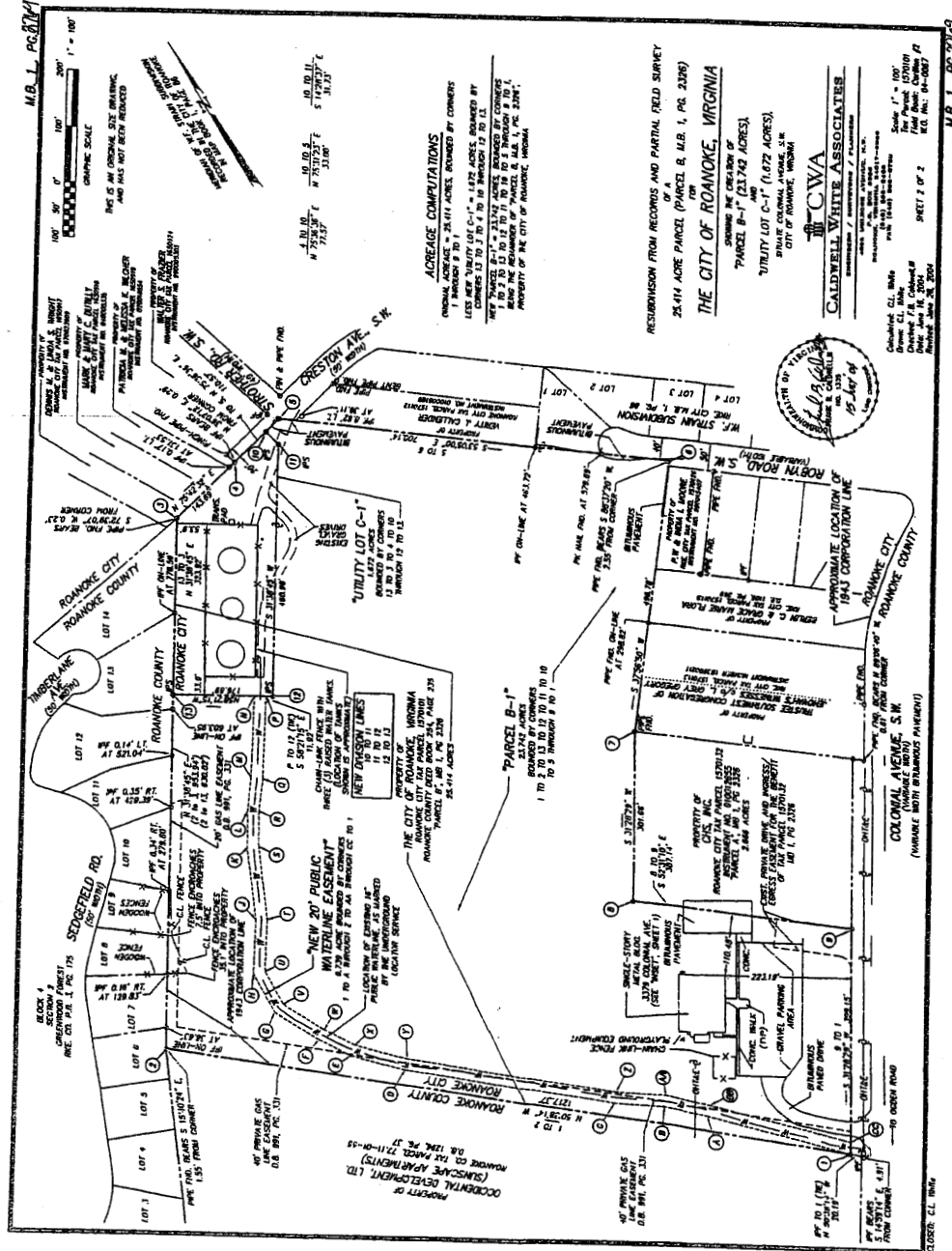
  
\_\_\_\_\_  
Darlene L. Burcham, City Manager

City of Roanoke  
215 Church Avenue, S.W., Room 364  
Roanoke, VA 24011  
(540) 853-2333



**SITE OF THE PROPOSED  
COLONIAL GREEN DEVELOPMENT**  
SUBJECT PROPERTY OWNED BY THE CITY OF ROANOKE

**SITE SURVEY - PART B**



# COLONIAL GREEN

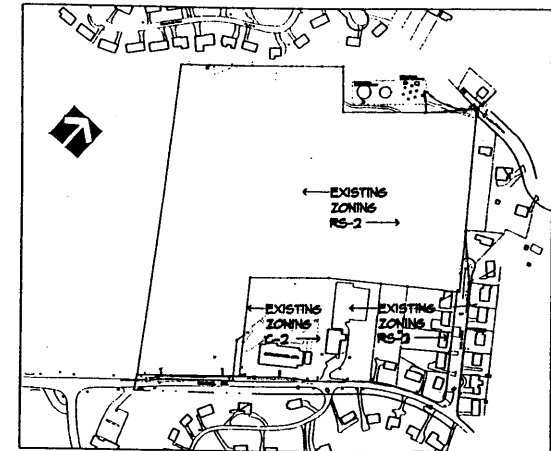
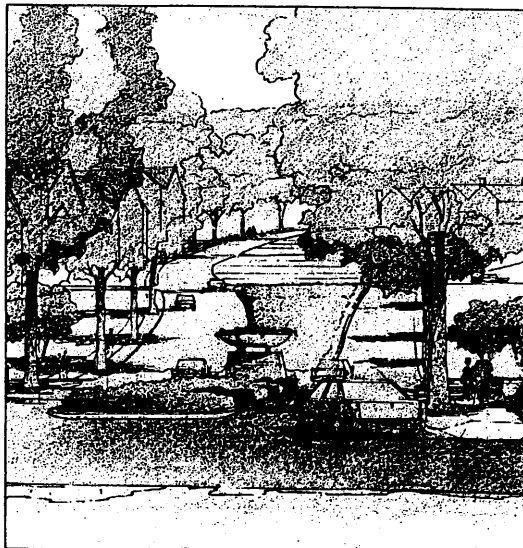
ROANOKE, VIRGINIA

HSPC #0294

## SCHEMATIC DESIGN PACKAGE

NOV. 1, 2004

REVISED JAN. 11 & FEB. 17, 2005



EXISTING ZONING  
TO SCALE

### DRAWING INDEX

RZ-1 COVER SHEET

RZ-2A & 2B SITE SURVEY

RZ-3 SCHEMATIC SITE PLAN

~~RZ-4 PROPOSED LOT COVERAGE~~ NOT USED

RZ-5 SCHEMATIC GRADING PLAN

RZ-6 SCHEMATIC WATER AND SANITARY SEWER PLAN

RZ-7 SCHEMATIC STORM WATER MANAGEMENT PLAN

RZ-8 SCHEMATIC PLANTING PLAN

OWNER  
COLONIAL GREEN, L.L.C.  
JOYCE GRAHAM, PROJECT MANAGER  
P.O. BOX 10296  
BLACKSBURG, VIRGINIA 24062  
PHONE 540-320-6215  
FAX 540-288-2222

ARCHITECT / LANDSCAPE ARCHITECT  
HILL STUDIO, P.C.  
DAVID P. HILL, ASLA, PROJECT MGR.  
120 W. CAMPBELL AVE.  
ROANOKE, VIRGINIA 24011  
PHONE 540-342-5263  
FAX 540-345-5580

CIVIL ENGINEER  
GAY AND KEESEE, INC.  
MICHAEL GAY, P.E., PROJECT MGR.  
328 MOUNTAIN AVENUE  
ROANOKE, VIRGINIA 24013  
PHONE 540-345-1110  
FAX 540-345-5580



HILL  
STUDIO

Community Planning • Landscape Architecture  
Architecture • Historic Preservation

120 West Campbell Avenue SW  
Roanoke, Virginia 24011  
tel: 540-342-5263  
fax: 540-345-5525  
www.hillstudio.com



**SITE OF THE PROPOSED  
COLONIAL GREEN DEVELOPMENT**

## SITE SURVEY - PART A

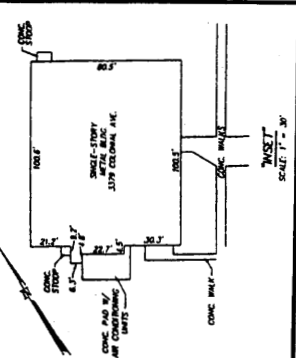
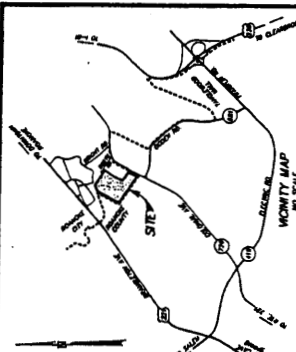
Community Planning • Landscape Architecture  
Architecture • Historic Preservation

120 West Campbell Avenue SW  
Rossmore, Virginia 24011  
tel: 540-342-5263  
fax: 540-345-5625  
www.hillstudio.com

HILL  
STUDIO

NOVEMBER 1, 2004

M.B.L. PG 2768

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RESUBMISSION FROM RECORDS AND PARTIAL FIELD SURVEY  
OF A  
25.414 ACRE PARCEL (PARCEL B, M.B. 1, PG. 3396)

FOR  
THE CITY OF ROANOKE, VIRGINIA

RECEIVED  
JUL 21 1964  
CITY OF HOUSTON  
PLANNING DEPARTMENT AND DEVELOPMENT

**CALDWELL WHITE ASSOCIATES**

4000 BELLESGARD AVENUE, N.W.  
P.O. BOX 6000  
SEATTLE, WASHINGTON 98117-6000

C.L. 1041/2  
1041/2  
Scale 1" = 100'  
Inv. Period 1570N  
Field Book: C-1041

DATE: 10/1/04  
TIME: 10:00  
PAGE: 10/1/04

24 JUL

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[illegible]

WITNESS THE SIGNATURE AND SEAL OF SAID COMMISSIONER.

DATE 7th Nov 1942

DAVID L. BURNETT CITY MANAGER, MINNEAPOLIS

SIGN OF MINNESOTA

City of Minneapolis

TO BE FORWARDED TO THE COMMISSIONER OF THE MINNESOTA DEPARTMENT OF REVENUE, MINNEAPOLIS

MALE PERSONALLY APPOINTED BEFORE ME AND ACKNOWLEDGED THE SAME IN MY PRESENCE AND IN THE PRESENCE OF TWO OTHER PERSONS.

MY COMMISSION EXPIRES: 26th Oct 1946

[illegible]

NOTE: This report was prepared under the authority of a letter request by Assistant Attorney General, dated 11/1/54, and was prepared in accordance with the Bureau of Investigation's policy regarding the release of information to the public. The Bureau of Investigation is not responsible for the content of this report, which is the property of the Bureau of Investigation. The Bureau of Investigation is not responsible for the content of this report, which is the property of the Bureau of Investigation.

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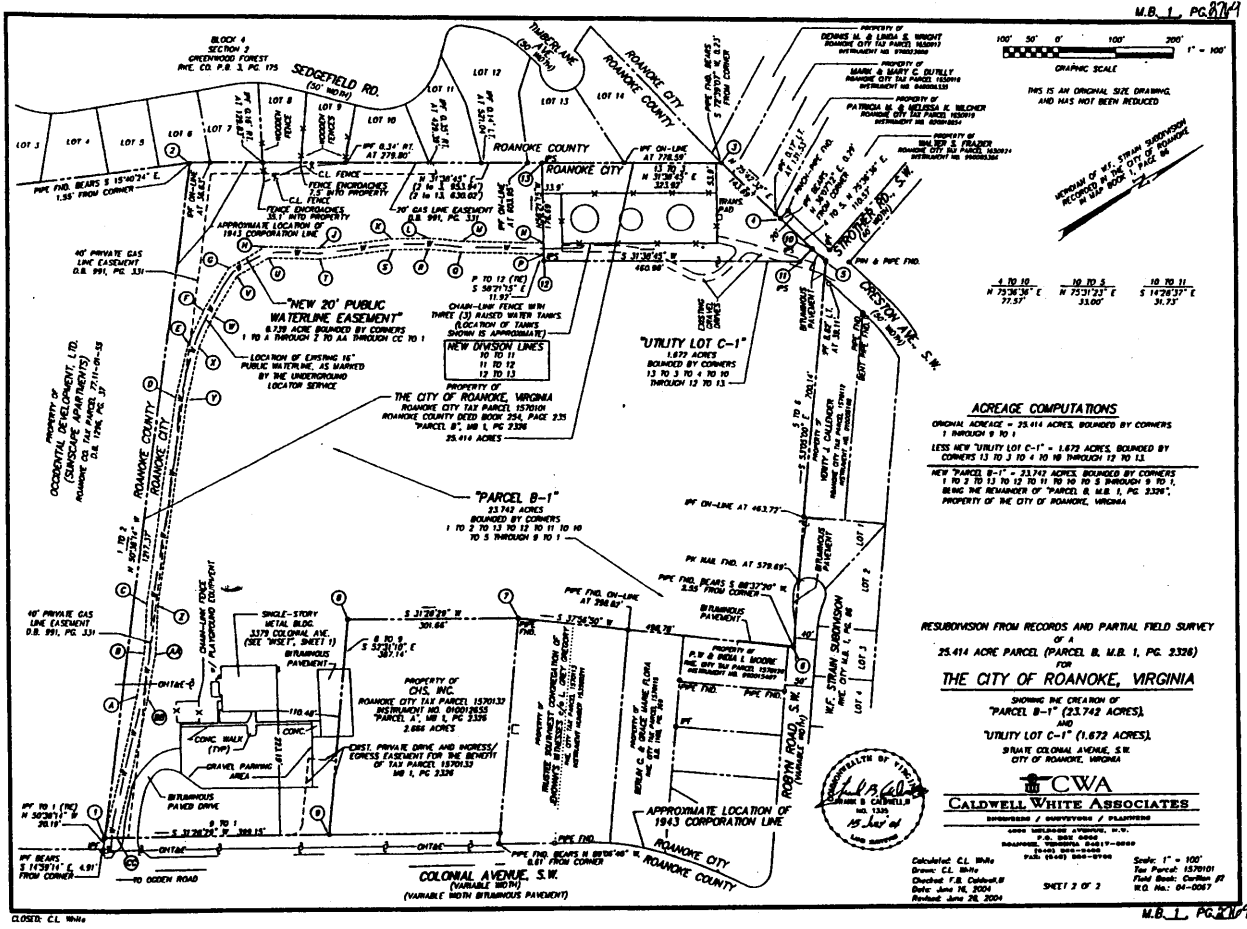
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**NOTES:**

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Category	Sub-category	Value	Unit	Year	Source
Population	Total	100	Million	2010	World Bank
Population	Urban	50	Million	2010	World Bank
Population	Rural	50	Million	2010	World Bank
Population	Male	50	Million	2010	World Bank
Population	Female	50	Million	2010	World Bank
Population	0-14	20	Million	2010	World Bank
Population	15-64	40	Million	2010	World Bank
Population	65+	40	Million	2010	World Bank
Population	0-14	20	Million	2020	World Bank
Population	15-64	40	Million	2020	World Bank
Population	65+	40	Million	2020	World Bank
Population	0-14	20	Million	2030	World Bank
Population	15-64	40	Million	2030	World Bank
Population	65+	40	Million	2030	World Bank
Population	0-14	20	Million	2040	World Bank
Population	15-64	40	Million	2040	World Bank
Population	65+	40	Million	2040	World Bank
Population	0-14	20	Million	2050	World Bank
Population	15-64	40	Million	2050	World Bank
Population	65+	40	Million	2050	World Bank
Population	0-14	20	Million	2060	World Bank
Population	15-64	40	Million	2060	World Bank
Population	65+	40	Million	2060	World Bank
Population	0-14	20	Million	2070	World Bank
Population	15-64	40	Million	2070	World Bank
Population	65+	40	Million	2070	World Bank
Population	0-14	20	Million	2080	World Bank
Population	15-64	40	Million	2080	World Bank
Population	65+	40	Million	2080	World Bank
Population	0-14	20	Million	2090	World Bank
Population	15-64	40	Million	2090	World Bank
Population	65+	40	Million	2090	World Bank
Population	0-14	20	Million	2100	World Bank
Population	15-64	40	Million	2100	World Bank
Population	65+	40	Million	2100	World Bank



**SITE OF THE PROPOSED  
COLONIAL GREEN DEVELOPMENT**

SUBJECT PROPERTY OWNED BY THE CITY OF ROANOKE

**SITE SURVEY - PART B**

**ACREAGE COMPUTATIONS**

ORIGINAL ACREAGE = 25.414 ACRES, BOUNDED BY CORNERS 1 THROUGH 9 TO 1

LESS NEW UTILITY LOT C-1 = 1.672 ACRES, BOUNDED BY CORNERS 13 TO 3 TO 4 TO 10 THROUGH 12 TO 13

NEW PARCEL B-1 = 23.742 ACRES, BOUNDED BY CORNERS 1 TO 2 TO 13 TO 12 TO 11 TO 10 TO 5 THROUGH 8 TO 1, BEING THE REMAINDER OF "PARCEL B, M.B. 1, PG. 2326", PROPERTY OF THE CITY OF ROANOKE, VIRGINIA

RESUBDIVISION FROM RECORDS AND PARTIAL FIELD SURVEY OF A 25.414 ACRE PARCEL (PARCEL B, M.B. 1, PG. 2326) FOR THE CITY OF ROANOKE, VIRGINIA

SHOWING THE CREATION OF "PARCEL B-1" (23.742 ACRES), AND "UTILITY LOT C-1" (1.672 ACRES), BEING THE REMAINDER OF "PARCEL B, M.B. 1, PG. 2326", PROPERTY OF THE CITY OF ROANOKE, VIRGINIA

**CWA CALDWELL WHITE ASSOCIATES**

COMMUNITY PLANNING / SURVEYING / PLANNING

120 WEST CAMPBELL AVENUE, S.W.  
ROANOKE, VIRGINIA 24011  
TEL: 540-342-5263  
FAX: 540-345-5625  
WWW.HILLSTUDIO.COM

Calculated: C.L. White  
Drawn: C.L. White  
Checked: F.B. Caldwell  
Date: June 26, 2004  
Revised: June 26, 2004

Scale: 1" = 100'  
For Parcel: 1570101  
Field Book: Outlines #1  
M.D. No.: 04-0001

**M.B. 1, PG. 874**

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NOVEMBER 1, 2004

**RZ-2B**



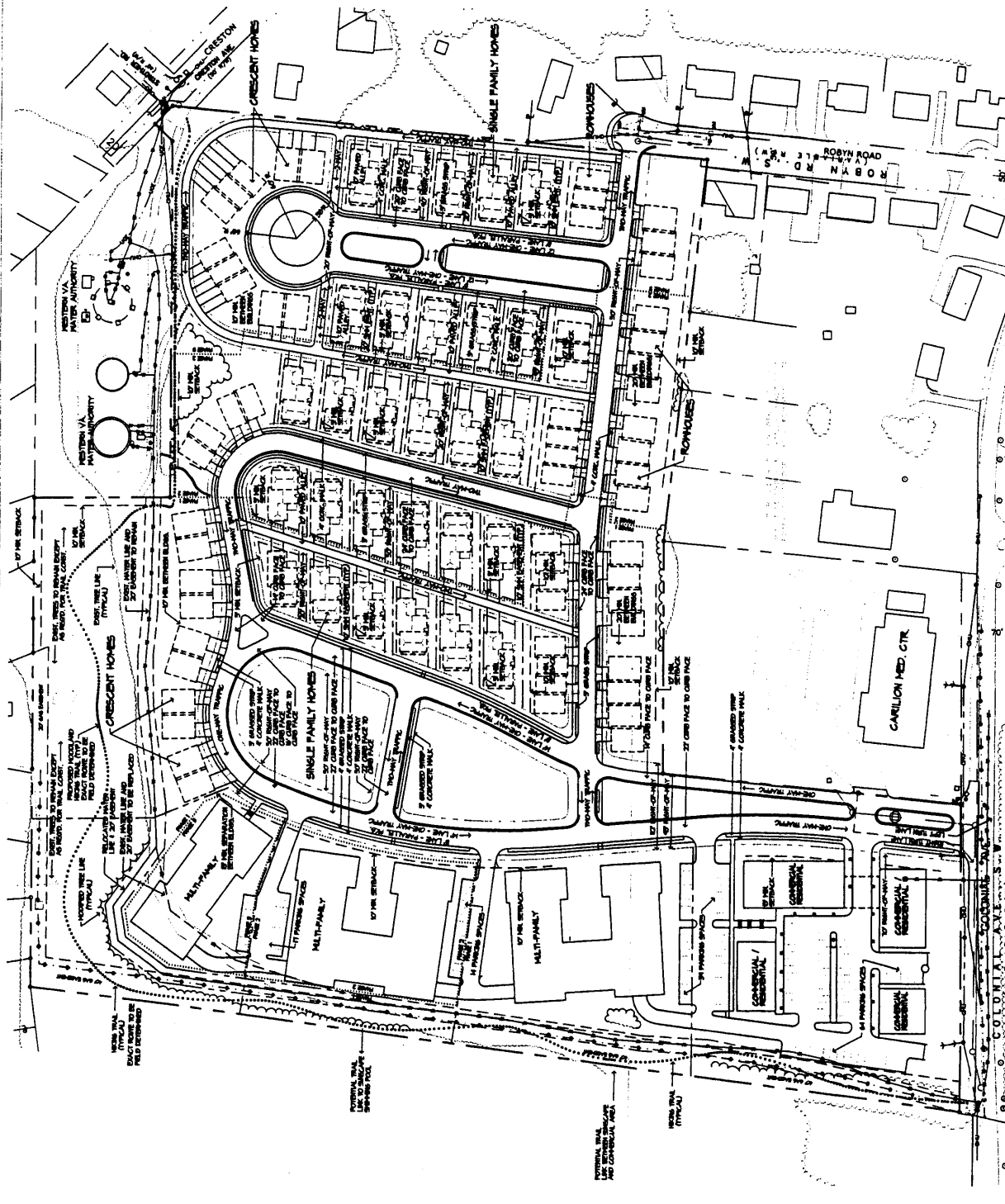
1" = 60' SCALE

# SITE OF THE PROPOSED COLONIAL GREEN DEVELOPMENT SUBJECT PROPERTY OWNED BY THE CITY OF ROANOKE

## SCHEMATIC SITE PLAN

### NOTES:

1. SEE SHEET RZ-2, SITE SURVEY, FOR METES AND BOUNDS OF THE SUBJECT PROPERTY AND ASSOCIATED EASEMENTS.
2. ADJUSTMENTS TO THE PARCEL AND EASEMENT HELD BY THE CITY OF ROANOKE HAVE BEEN MADE TO REFLECT THE VERIFICATION OF TOPOGRAPHY AND LOCATION OF EXISTING AUTHORITY FACILITIES.
3. ALL UNITS AND BUILDINGS SHOWN ARE PRELIMINARY AND ARE SHOWN TO REFLECT A POSSIBLE LOT COVERAGE SCENARIO. ACTUAL CONSTRUCTION MAY CONSIST OF SMALLER UNITS THAN THOSE SHOWN HERE.



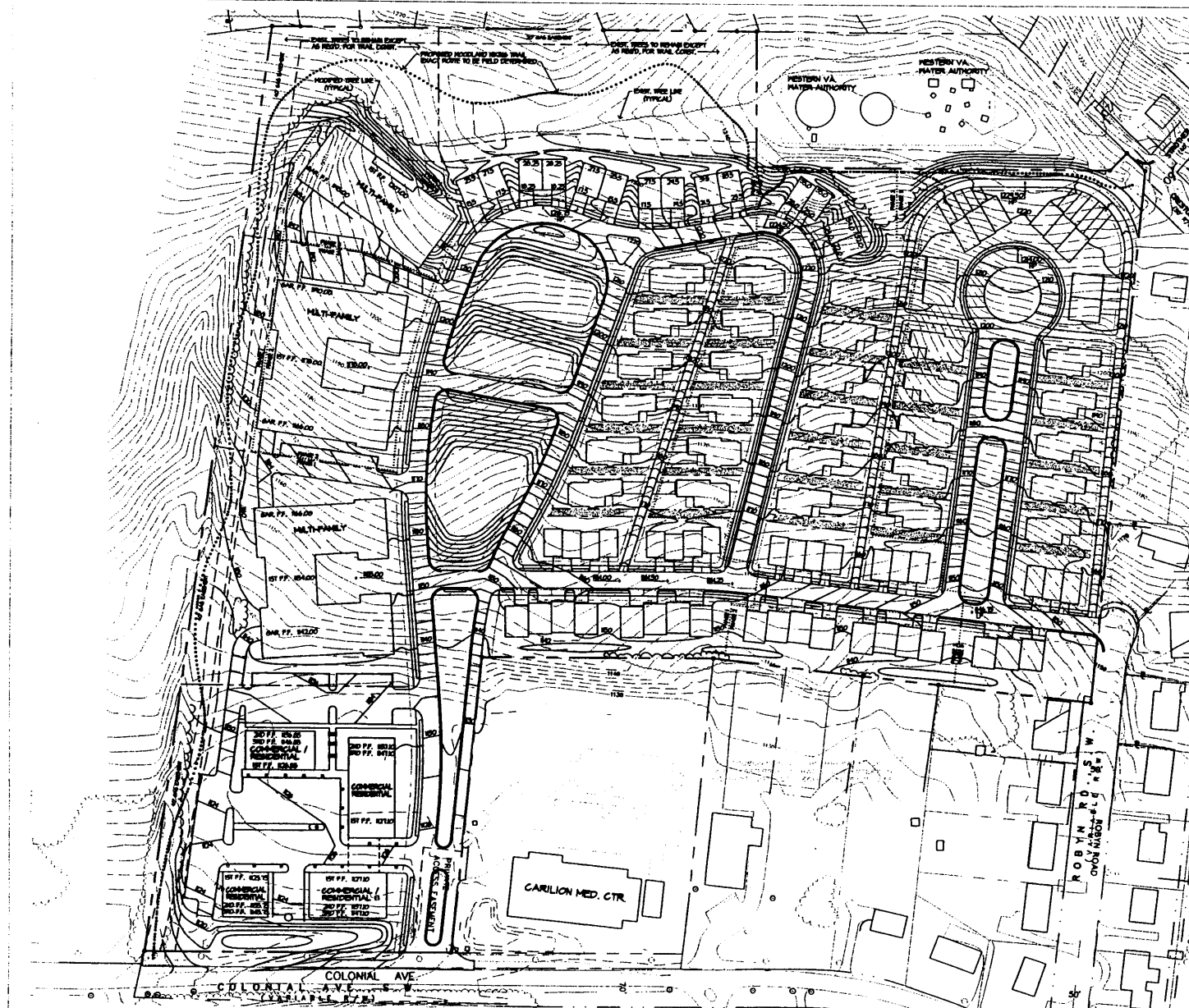
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NOVEMBER 1, 2004 REVISED JAN 11 FEB 17, 2005 RZ-3



1" = 60'

SITE OF THE PROPOSED  
COLONIAL GREEN DEVELOPMENT  
SUBJECT PROPERTY OWNED BY THE CITY OF ROANOKE

## SCHEMATIC GRADING PLAN

### NOTES

1. EXISTING TOPOGRAPHY WAS DERIVED FROM A CITY OF ROANOKE AERIAL SURVEY. UPON SUCCESSFUL REZONING OF THE SUBJECT PROPERTY, FIELD VERIFICATION OF ACTUAL TOPOGRAPHY AND OTHER EXISTING FEATURES WILL BE CONDUCTED.
2. MODIFICATIONS TO SCHEMATIC GRADING SHOWN HERE WILL BE NECESSARY TO ACCOMMODATE NEWLY ACQUIRED TOPOGRAPHIC INFORMATION TO ADJUST EARTHWORK VOLUMES FOR ECONOMY, TO CONFORM TO FULLY ENGINEERED STREET VERTICAL ALIGNMENT AND TO FINALIZE ON-SITE STORM WATER MANAGEMENT FACILITIES.
3. ALL UNITS AND BUILDINGS DEPICTED ARE PRELIMINARY AND ARE SHOWN TO COORDINATE WITH SCHEMATIC GRADING ONLY. ACTUAL CONSTRUCTION MAY CONSIST OF SMALLER UNITS THAN THOSE HERE. SOME SINGLE FAMILY HOMES MAY UTILIZE BASEMENT LEVEL GARAGES RATHER THAN MAIN LEVEL GARAGES SHOWN ON THIS PLAN.



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**SITE OF THE PROPOSED  
COLONIAL GREEN DEVELOPMENT  
SUBJECT PROPERTY OWNED BY THE CITY OF ROANOKE**


SCHEMATIC WATER AND  
SANITARY SEWER PLAN

**GENERAL NOTES:**

1. TOPOGRAPHIC INFORMATION OBTAINED FROM CITY OF RICHMOND AERIALS.
2. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT INDICATE ALL ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
3. THE BOUNDARY INFORMATION, AS SHOWN ON THIS MAP, IS IN THE APPROPRIATE LOCATION ONLY; NO BOUNDARY SURVEY HAS BEEN PERFORMED AS A PART OF THIS PROJECT.
4. UTILITIES AND LAYOUT, AS SHOWN HEREON, ARE SCHEMATIC IN NATURE.

### LEGEND

- | PROPERTY LINE | DATELINE F' CONTINUE | DATELINE SPOT ELAVATION | PROPOSED SANITARY SEWER | PROPOSED WASTEWATER | DATELINE | PROPOSED BUILDING | DATELINE | PROPOSED THE HYDRAULIC | PROPOSED WATER METER | PROPOSED SEWER MANHOLE |
|---------------|----------------------|-------------------------|-------------------------|---------------------|----------|-------------------|----------|------------------------|----------------------|------------------------|
| ---           | 2100                 | 20.00                   | ---                     | ---                 | ---      | ---               | ---      | +                      | +                    | +                      |

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 328 Mountain Avenue SW  
 Roanoke, Virginia 24016  
 Phone: (540) 345-1110  
 Fax: (540) 345-3500  
 E-mail: [info@gayandkessek.com](mailto:info@gayandkessek.com)





1" = 60'

# SITE OF THE PROPOSED COLONIAL GREEN DEVELOPMENT

SUBJECT PROPERTY OWNED BY THE CITY OF ROANOKE

## SCHEMATIC STORM WATER MANAGEMENT AREAS

PERMANENT STORM WATER  
MANAGEMENT AREA



### STORM WATER RETENTION TERRACES

A SERIES OF BROAD GRADED TERRACES AND ASHTRAY SLOPES PROVIDING A STAIRSTEP APPEARANCE. STORM RUNOFF COLLECTED FROM THE ADJACENT STREETS WILL BE DIVERTED TO THE TERRACES AND ALLOWED TO INFILTRATE INTO THE GROUND. FLAT TERRACES WILL BE SUITABLE FOR RECREATION WHEN DRY. PONDING DEPTH MAY INCREASE AN ADDITIONAL 3 OR 4 INCHES DURING MORE INTENSE STORMS OR PROLONGED PERIODS OF PRECIPITATION.

### BIO-RETENTION AREA

SHALL SURFACE COLLECTION AREAS WHICH UTILIZE TREES, SHRUBS AND GRASSCOVERS IN ADDITION TO INFILTRATION TO MANAGE STORM WATER RUNOFF AS CLOSE AS POSSIBLE TO ITS SOURCE. BIO-RETENTION AREAS ON COLONIAL GREEN WILL RECEIVE WATER PRIMARILY FROM ROOFTOPS AND PAVEMENT.

### DETENTION BASIN

A TEMPORARY SURFACE IMPROVEMENT OF STORM RUNOFF WHICH HAS BEEN COLLECTED ON-SITE BY CONVENTIONAL STORM DRAINAGE SYSTEMS SUCH AS CURB ALLEYS AND PAVED DRIVEWAYS. THE BASIN IS A COLLECTION OF WATER WHICH IS RELEASED FROM THE PROJECT SITE AS SLOW OR SLOWER THAN IT WOULD HAVE LEFT THE SITE PRIOR TO DEVELOPMENT. COMPLETE DRAIN DOWN OF THE DETENTION BASIN WILL USUALLY OCCUR WITHIN ONE DAY FROM THE END OF THE RAINFALL.

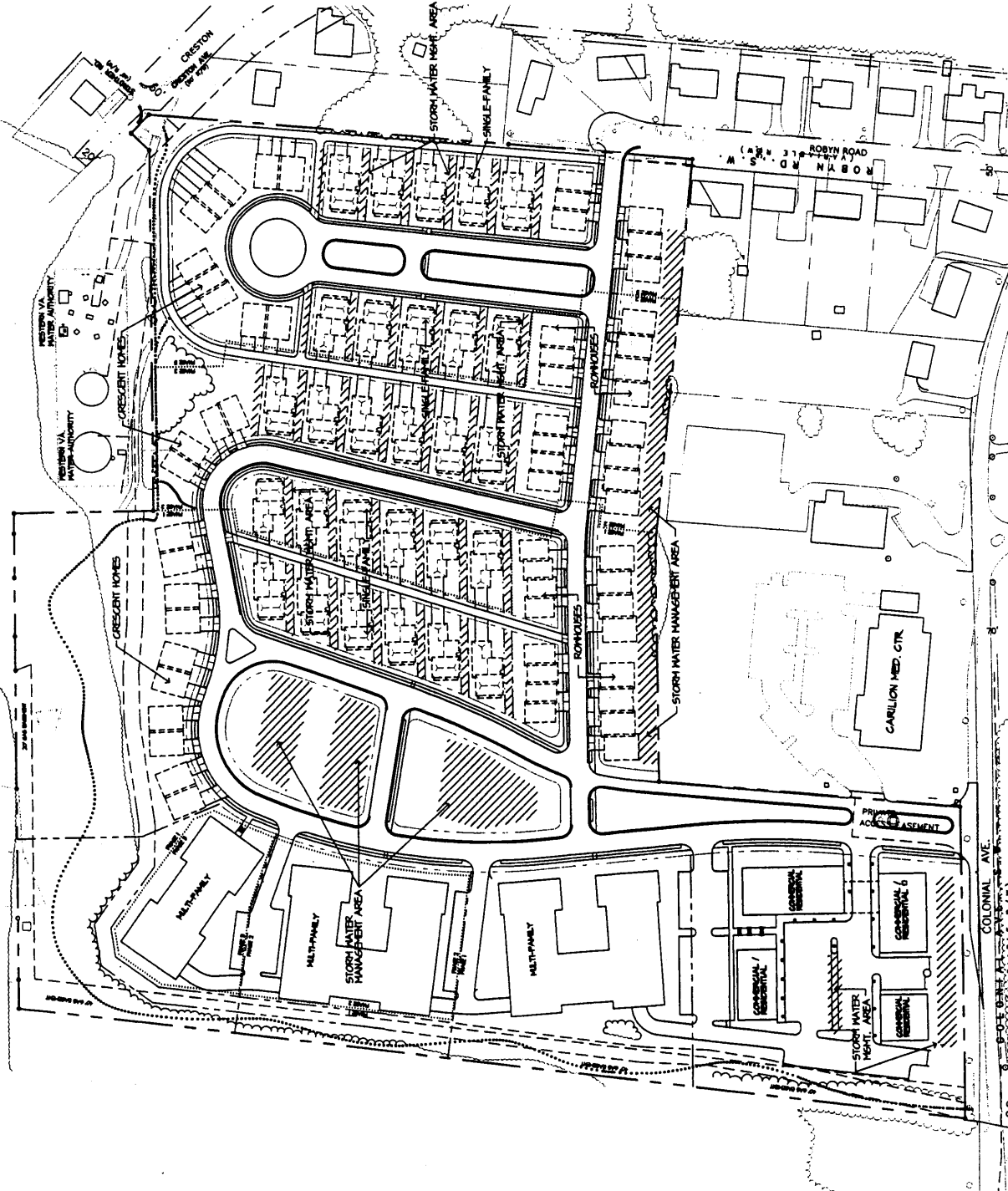
THE BASIN AT COLONIAL GREEN WILL BE DESIGNED USING SOFT ENGINEERING PRACTICE AND SHAPED TO APPEAR AS A FEATURE IN THE NATURAL LANDSCAPE. THE CORRECT CHOICE OF PLANT MATERIAL WILL BE CRITICAL IN MAKING THE BASIN BELIEVABLE AS A NATURAL FEATURE.

Community Planning • Landscape Architecture  
Architecture • Historic Preservation

120 West Campbell Avenue SW  
Roanoke, Virginia 24011  
tel: 540-342-5283  
fax: 540-345-5625  
www.hillstudio.com

HILL  
STUDIO

NOVEMBER 1, 2004 REVISED JANUARY 8, FEB. 17, 2005 RZ-7





**SITE OF THE PROPOSED  
COLONIAL GREEN DEVELOPMENT  
SUBJECT PROPERTY OWNED BY THE CITY OF ROANOKE**

## SCHEMATIC PLANTING PLAN

## NOTES:

1. THIS PLANTING PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY. STREET TREES TO BE PLANTED AT A 50-FOOT MINIMUM INTERVAL ALONG STREET FRONTAGE.
- NATIVE TREES WILL PROVIDE A CANOPY GREATER THAN 50% OF GROUP PARKING AREAS.
- DECORATIVE STREET LIGHTS ARE SHOWN TO COORDINATE WITH TREES. THESE MAY BE FIELD ADJUSTED TO DETAILED SITE CONDITIONS.



Community Planning • Landscape Architecture  
Architecture • Historic Preservation

120 West Campbell Avenue SW  
Barnes - Virginia 24011

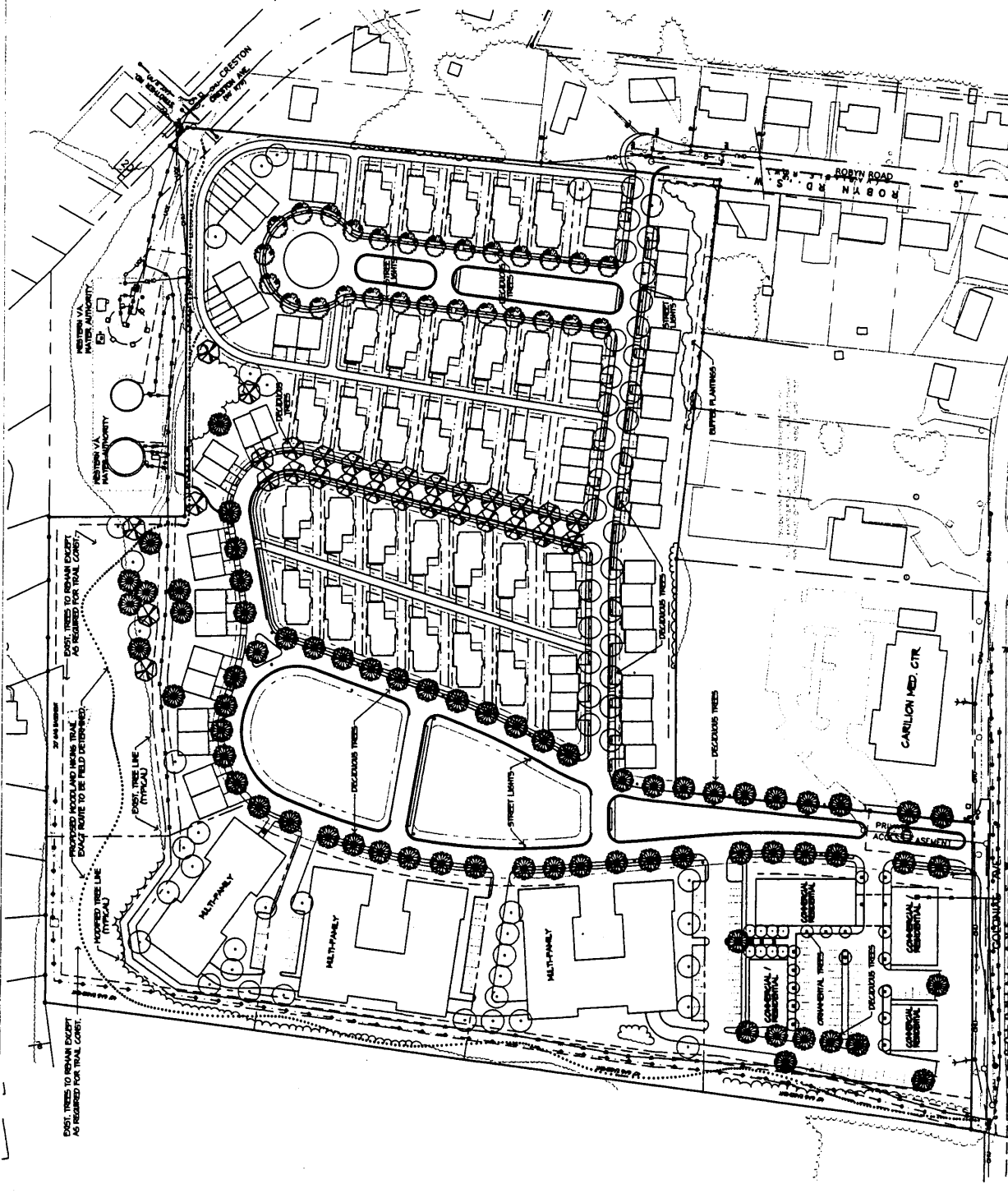
11047 SURGICAL, VAGINAL

Ref: 540-347-5263  
540-348-5628

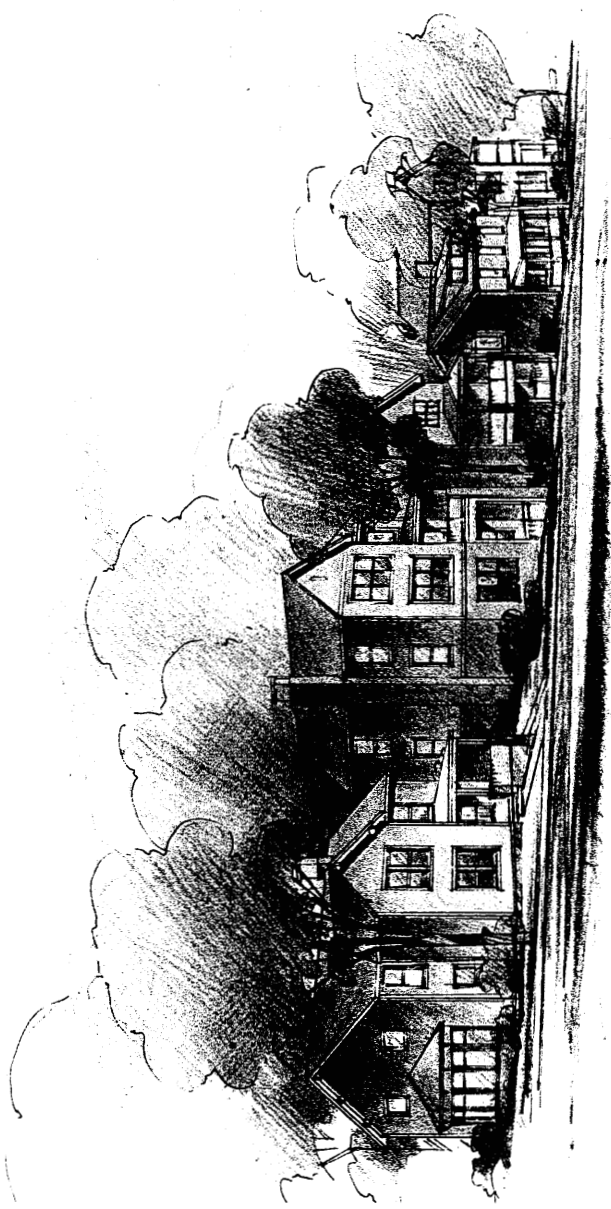
TEL: 340-343-3623

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NOVEMBER 1, 2004 REVISED JAN 11 &amp; FEB. 17, 2005 RZ-8



# Development Pattern Book



## Colonial Green

A Traditional Neighborhood Development  
Roanoke, Virginia

*Revised*  
February 17, 2005

# Colonial Green Development Pattern Book

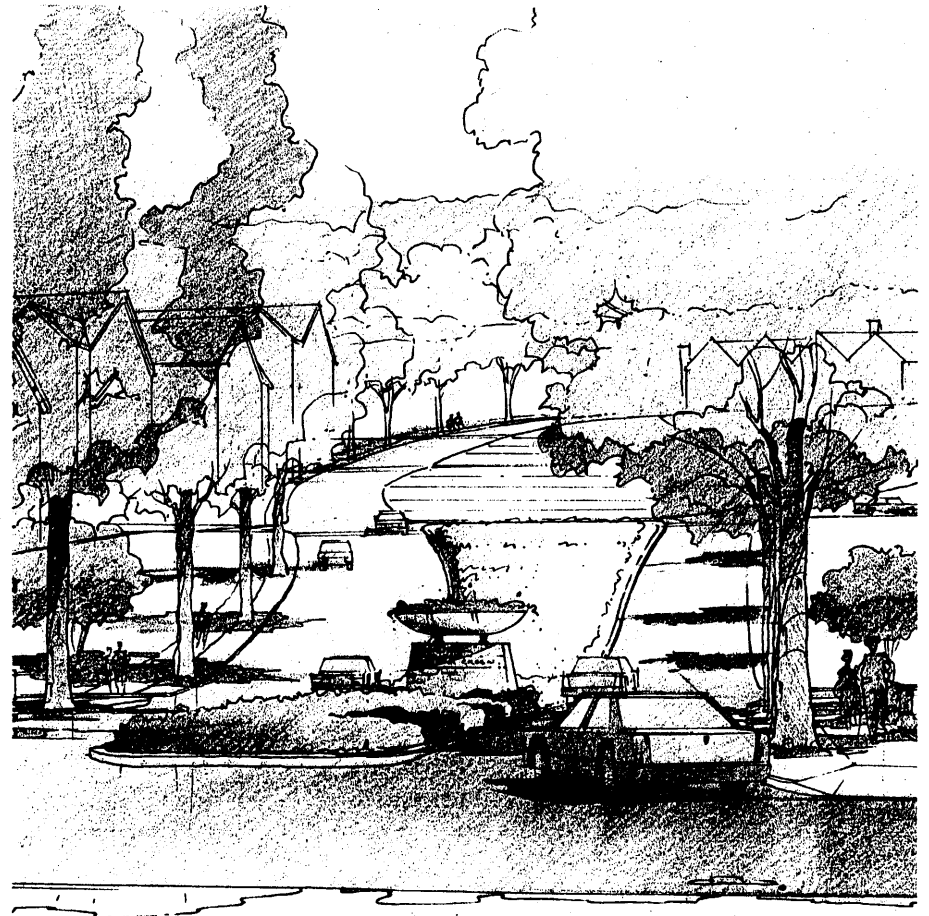
## *USE OF THIS PATTERN BOOK*

This pattern book is intended to provide homeowners and other interested parties with important housing and development information on Colonial Green. The developers of Colonial Green have adopted lot and architectural standards for the community. In addition to this book, the homeowner should reference Colonial Green Homeowners Association documents and property deed restrictions. The photographs and sketches shown provide examples of some of Roanoke's best traditional architecture. The new construction in Colonial Green will draw from this inspiration, but will not necessarily replicate the exact details shown in the photographs.

## Colonial Green Development Pattern Book

### VISION FOR A NEW NEIGHBORHOOD

Inspired by the patterns of Roanoke's early 20<sup>th</sup> Century pedestrian-friendly neighborhoods, Colonial Green successfully integrates traditional neighborhood home designs and development patterns with the scenic character and resources of the site. By combining reliable traditional design principles with new technology and materials, Colonial Green will become one of Roanoke's most vibrant and desirable new neighborhood locations.



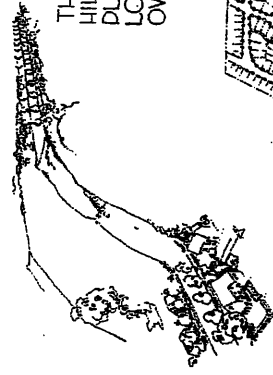
*Designed around a common green, the neighborhood provides a variety of housing types including single family houses, townhouses and multi-family housing.*

## A NEW NEIGHBORHOOD DESIGNED IN THE ROANOKE TRADITION

Roanoke is endowed with a number of vibrant neighborhoods designed during the first quarter of the 20<sup>th</sup> century. Many of these older neighborhoods were influenced by the foresight of renowned landscape architect and planner, John Nolen, who studied the development of Roanoke during its early years and prepared the City's early Comprehensive Plans in 1907 and 1928. Nolen's careful neighborhood planning and contextual design principles continue to inspire citizens, governmental officials, and developers to create livable communities that promote quality architecture, harmony with the natural environment, close proximity to schools, parks and support services, and attractive public facilities and spaces.

### PROPERTY DEVELOPMENT

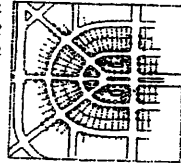
A DEVELOPMENT IS OFTEN A SUCCESS OR FAILURE DEPENDING ON WHETHER OR NOT THE STREET SCHEME LENDS ITSELF TO THE TOPOGRAPHY. THERE MUST BE A RELATION BETWEEN IT AND THE ADJOINING PROPERTY AND TO THE CITY THOROUGHFARE SYSTEM. HOUSE SITES SHOULD BE CAREFULLY LOCATED AND ALL BUILDING WISELY RESTRICTED. ALL SUBDIVISIONS SHOULD BE SUBJECT TO MUNICIPAL SUPERVISION.



THE NEGLECTED SIDE OF THE HILL--A RESULT OF POOR PLANNING. SUBSEQUENT LOSS TO CITY PROPERTY OWNER AND DEVELOPER



EXAMPLES OF RESIDENTIAL DEVELOPMENTS -- THE STREET SCHEMES CONFORMING TO THE TOPOGRAPHY



The developers of Colonial Green are committed to creating a neighborhood that sets a new standard for attractive, high-quality housing that is appealing to residents of all ages. As seen in many of Nolen's early neighborhood plans, Colonial Green radiates from a large green that forms the core of the neighborhood. This "tear-drop" shaped green provides common open space and provides the foreground for dramatic views of the distant ridges. Pedestrian amenities throughout the neighborhood include tree-lined streets and sidewalks that link common areas and residential homes. The architectural themes of the homes in the neighborhood reflect some of Roanoke's most popular styles - Colonial Revival, Tudor, Craftsman and Folk Victorian.

## Colonial Green Development Pattern Book

### **HOUSING TYPES**

The Colonial Green neighborhood offers four different housing types: cottages, crescent homes, rowhouses, and multi-family housing. These different types of residential living are described in the following paragraphs. For each of these four housing options, specific site development standards, materials, and colors have been adopted. Architectural styles also have been selected for Colonial Green that are representative of Roanoke's traditional architecture.

#### ***Cottages***

Single family cottage lots are centrally located in the community. All of the cottage lots slope toward the southeast, providing sunny spaces in the backyards and kitchen areas. Alleys are provided behind the houses so that service activities can be oriented toward the backyards. All driveways, parking and garages are in the rear in accordance with preferred traditional neighborhood design principals. Adopted design standards ensure that backyards are attractive and the neighborhood character is preserved.

#### ***Crescent Homes and Rowhouses***

Two additional styles of homes are planned in separate groupings in the neighborhood. Crescent Homes are clustered at the top of the northern ridge to take advantage of the spectacular panoramic vistas of the valley and the common green. These prestigious homes are destined to become some of the most desirable in the community. Rowhouses offer a second housing option for residents and are sited along the southern borders of the community. The Rowhouses will serve to create a link to familiar urban settings with their traditional facades, tree-line sidewalks, and classical compositions. Various parking arrangements will be available to homeowners.

#### ***Multi-family Housing***

Condominium or apartment buildings are sited in traditional "U-shaped" and "I-shaped" arrangements along the western edge of the site and focus around the common green and a central courtyard. One, two and/or three bedroom units are contained within several three and four-story buildings sited to fit the contours of the property and take full advantage of the views to the east and south. Resident parking is located underneath the residential housing for convenience, security and increased yard spaces.

#### ***Mixed Residential and Commercial Space***

Multi-story buildings adjacent to Colonial Avenue offer flexible, mixed-use space for residents desiring close proximity to businesses and neighborhood commercial services. Housing can be provided on the upper floors with commercial uses such as boutiques, ice-cream shops, and other businesses provided on the first floor. Opportunities for small offices exist on both the main and upper floors. Residents may find this shared residential-commercial space an ideal location for a business-living arrangement.

# Colonial Green Development Pattern Book

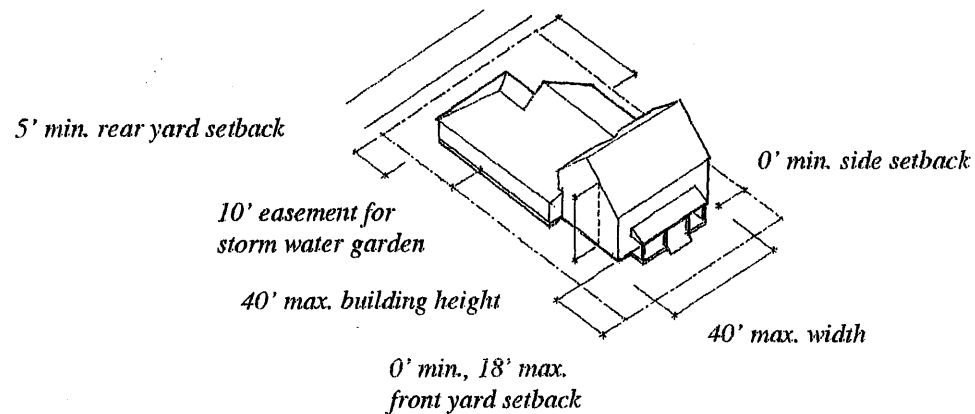
## PLACEMENT OF DEVELOPMENT ON LOTS

Housing types within Colonial Green have specific requirements for building setback lines, yard depths, and maximum lot coverage. These standards are described and illustrated below.

### Cottages

The following requirements apply to development on Single Family Cottage Lots:

Front yard setback:	0 feet minimum to 18 feet maximum
Side yard setback:	0 feet minimum; 10 foot easement for storm water management rain garden between lots
Rear yard setback:	5 feet minimum
Maximum Lot coverage:	50% (not including paved parking and driveways)
Building height:	40 feet maximum
Building width:	40 feet maximum width, not including side porches
Parking & Driveways:	Alley access where available



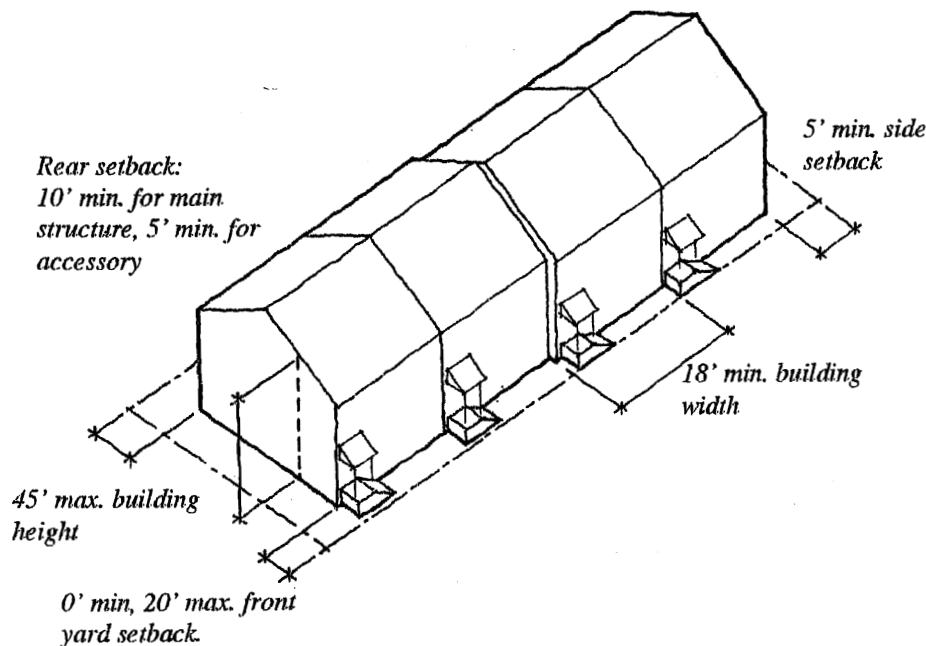


# Colonial Green Development Pattern Book

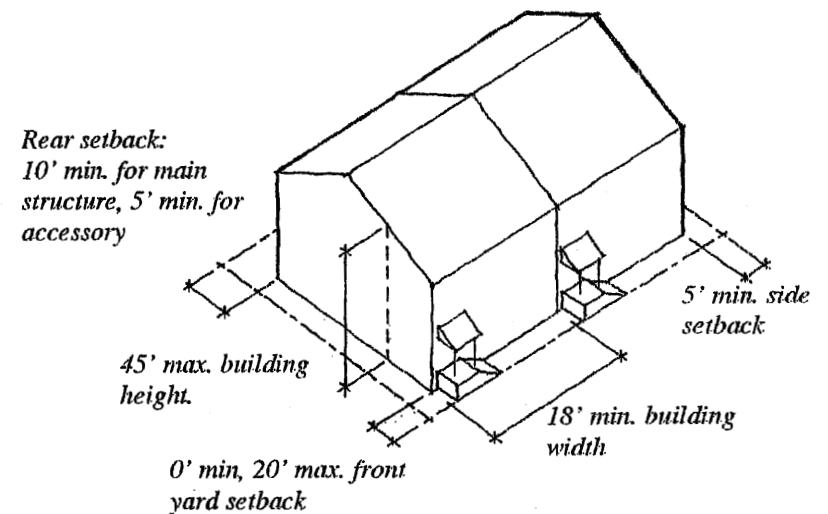
## Crescent Homes and Rowhouses

The following requirements apply to development on lots for single family Crescent Homes and Rowhouses:

Front yard setback:	0 feet minimum to 20 feet maximum
Side yard setback:	0 feet, unless between a unit grouping where 5 feet minimum applies
Rear yard setback:	10 feet minimum for main structure and 5 feet for accessory structures or attached garage
Maximum Lot coverage:	50% (not including paved parking and driveways)
Building height:	45 feet maximum
Building width:	18 feet minimum width for each unit
Parking & Driveways:	Alley access where available



**Rowhouses**



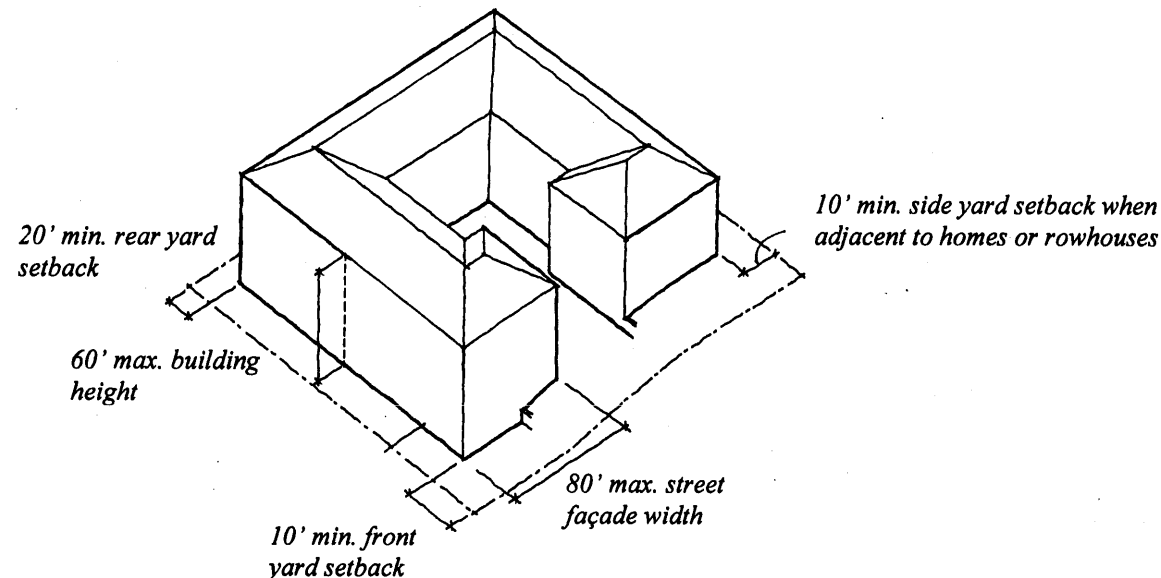
**Crescent Homes**

# Colonial Green Development Pattern Book

## ***Multi-Family Housing***

Each multi-family housing building is to front on the entry boulevard for Colonial Green. The following requirements apply to this part of the development:

Front yard setback:	10 feet minimum from Colonial Parkway
Side yard setback:	10 feet minimum when adjacent to homes or rowhouses
Rear yard setback:	20 feet minimum
Maximum Lot coverage:	50% (not including paved parking and driveways)
Building separation:	20 feet minimum
Building height:	60 feet maximum
Building width:	Street facades shall be a maximum width of 80 feet (to create variations in building façade)
Parking:	Garage within each building (minimum 1.5 spaces per unit); guest parking is minimized (maximum of 10 spaces per 30 units)
Open Space:	Courtyard or common green space provided for each building



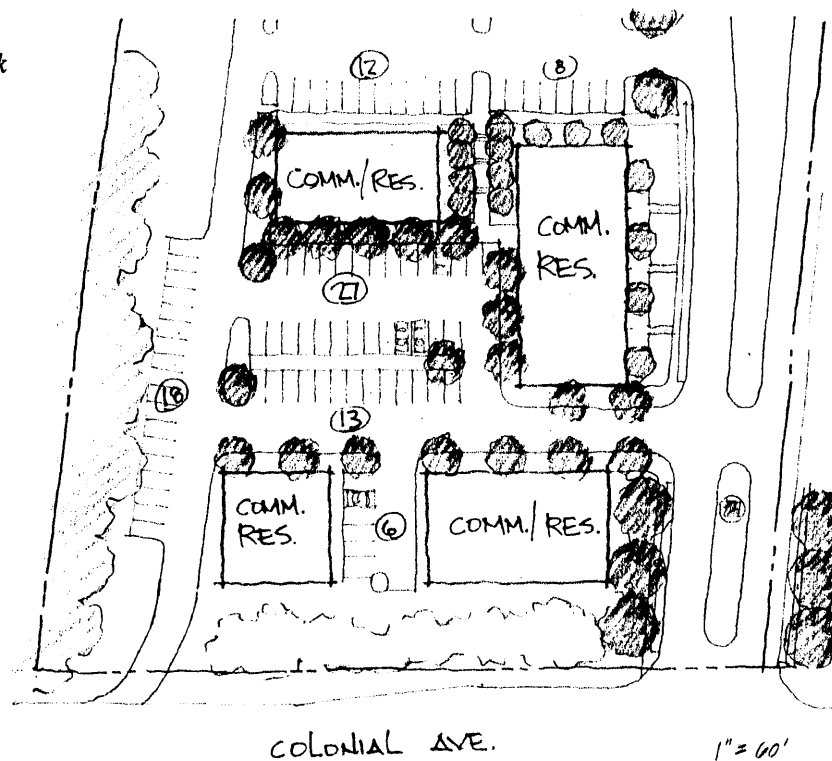
# Colonial Green Development Pattern Book

## Mixed Residential & Commercial Living

The following requirements apply to the development of the mixed-use buildings offering residential and commercial opportunities:

- Front yard setback: 10 feet minimum from Colonial Green Parkway; 30 feet minimum from Colonial Avenue  
Side yard setback: 10 feet minimum  
Maximum Lot coverage: 50% (not including paved parking and driveways)  
Building height: 60 feet maximum  
Parking: Landscaped surface parking; parking varies according to land use

10' min. side yard setback



10' min setback from  
Colonial Green Parkway

colonial ave.

1" = 60'

30' min. setback from Colonial Avenue

## Colonial Green Development Pattern Book

### ARCHITECTURAL STYLES AND DESIGN STANDARDS

The design of Colonial Green is based on Roanoke's traditional architectural patterns of the early 20<sup>th</sup> Century. To create a cohesive and complementary neighborhood environment while reflecting Roanoke's traditional architecture, the developer of Colonial Green has selected four architectural styles for construction in the new neighborhood: Colonial Revival, Tudor, Craftsman, and Folk Victorian. These architectural styles were constructed in the early neighborhoods of Roanoke and provide Colonial Green with a timeless link and a sense of place for the neighborhood. Each of these architectural styles is discussed in greater detail on the following pages.

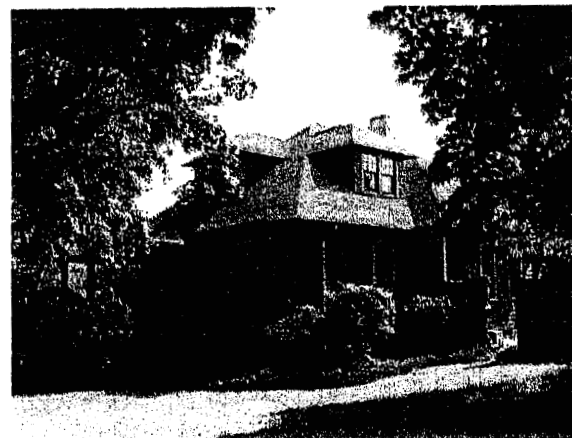
Colonial Revival



Tudor



Craftsman



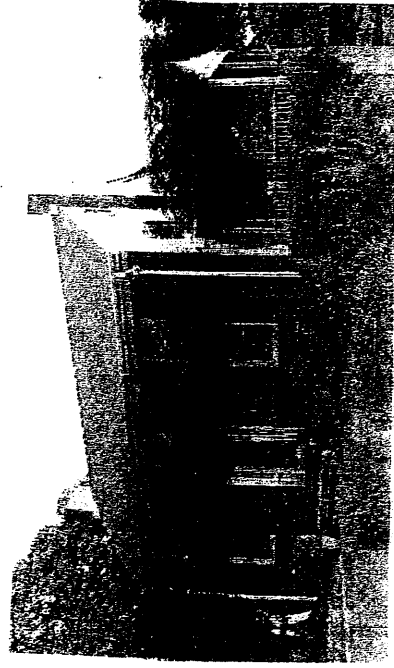
Folk Victorian



Recommended Reference: *A Field Guide to American Houses* by Virginia and Lee McAlester

## COLONIAL REVIVAL

## Colonial Green Development Pattern Book

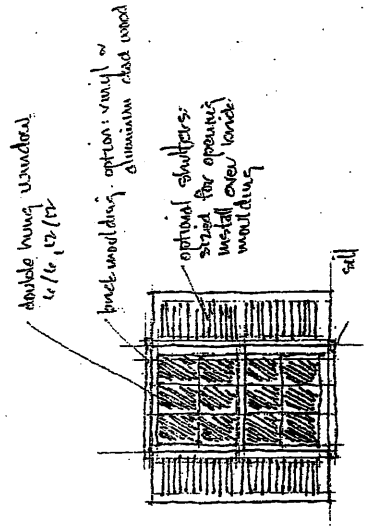
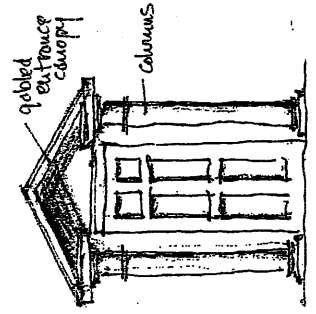
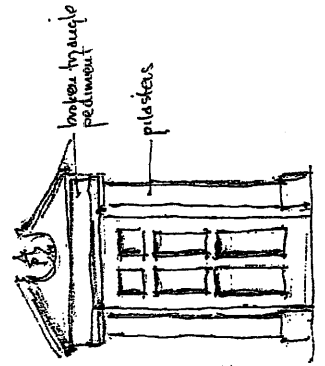


### History and Character

Popular in Roanoke and around the country for the first half of the 20<sup>th</sup> Century, Colonial Revival architecture continues to be a favorite of many homeowners. Its classic details and dimensions can be found throughout Roanoke's most treasured neighborhoods. Named for a renewed interest in early colonial architecture, the style became popular at the turn of the century by architects who used traditional architectural styles of the past to create new landmark buildings. Typical contributing features of the style include:

- ❖ Typically a two story building, usually symmetrical in composition
- ❖ Steeply pitched roof with side gables
- ❖ Prominent front door, usually with fanlight or sidelight windows and a decorative entry
- ❖ One story, detailed porch over entry, usually with columns
- ❖ Balanced rectangular window patterns, typically double-hung sashes with multi-panes (6-12); sometimes paired

### Examples of Details:



# Colonial Green Development Pattern Book

## TUDOR

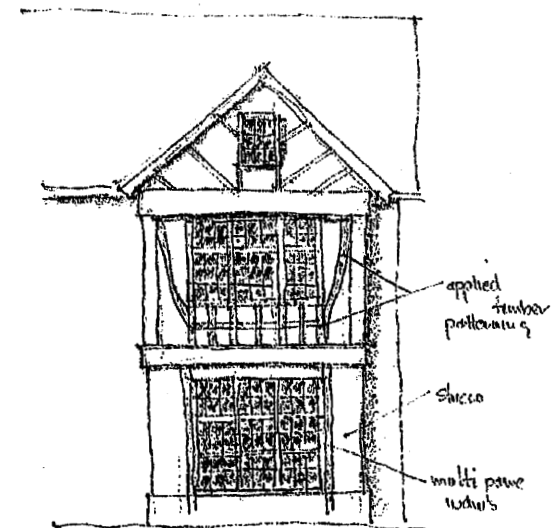
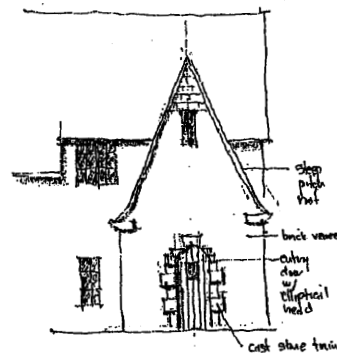
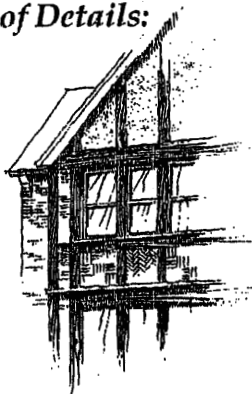


### History and Character

Roanoke has a particular affinity for the Tudor style, as seen in Hotel Roanoke and historic Fairacres. Popular in the early part of the 20<sup>th</sup> Century, the Tudor style was reflective of early 16<sup>th</sup> Century English architecture. A popular building style for suburban houses in the 1920s and 1930s, the details of Tudor architecture were quite distinctive and are widely recognized today. Typical contributing features of the style include:

- ❖ Steeply pitched roof with front facing gable(s)
- ❖ Decorative half-timbering
- ❖ Narrow, tall windows, usually grouped and multi-paned
- ❖ Masonry walls, usually of brick and stucco
- ❖ Entry doors sometimes decorated with stone accents
- ❖ Asymmetrical composition of design features

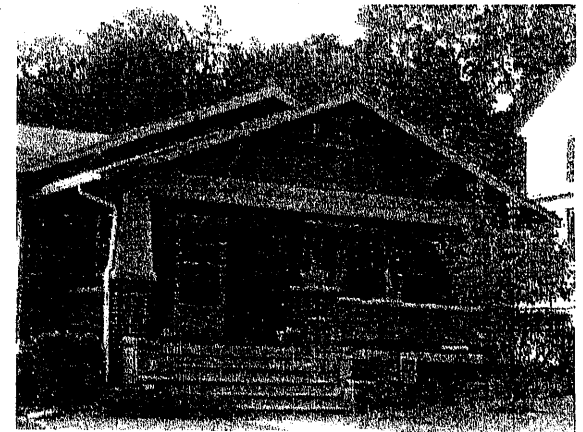
### Examples of Details:



TUDOR STYLE: PART

# Colonial Green Development Pattern Book

## CRAFTSMAN

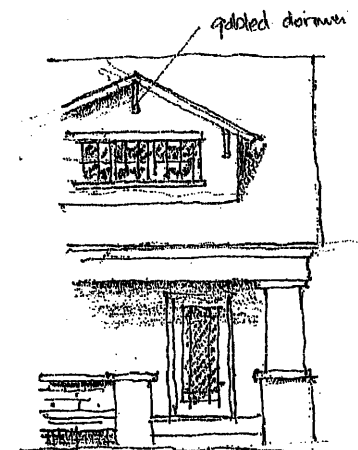
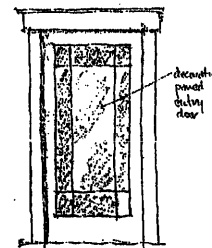
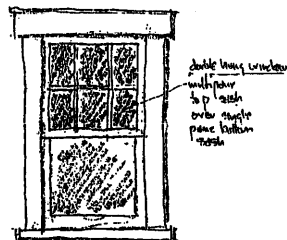
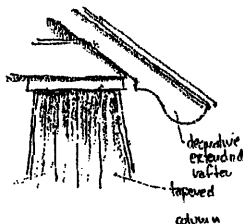


### History and Character

The Craftsman style was first inspired by California designers Charles and Henry Greene who constructed these artistic houses at the turn of the 20th Century. Because of its popular appeal, it quickly became the subject of many pattern books and home magazines. Craftsman homes are present in many of Roanoke's treasured neighborhoods: South Roanoke, North Roanoke, Wasena, Raleigh Court, and Southeast. Typical contributing features of the style include:

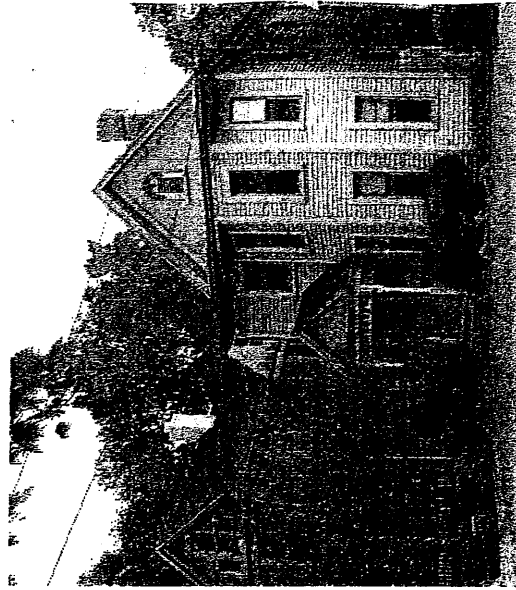
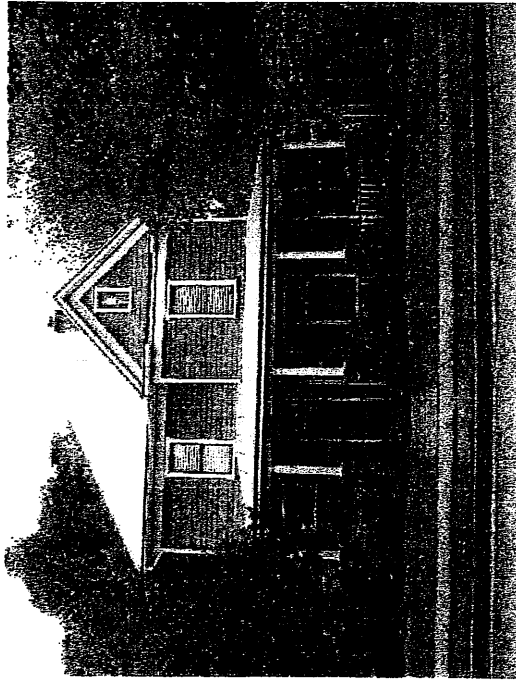
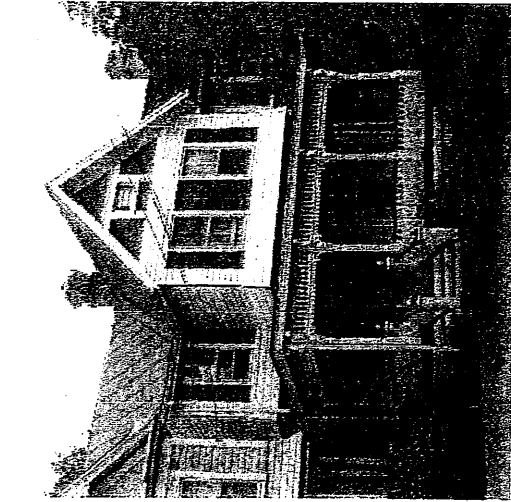
- ❖ Low-pitched front or side gable roof with a centered shed or gable dormer
- ❖ Wide eave overhangs offer decorative exposed roof rafters, underside beams, or brackets
- ❖ Large, prominent front porch, full or ½ width, with distinctive columns and large pier bases
- ❖ Lap siding, shingle or a combination of masonry (brick, stucco, or stone) and siding
- ❖ Window sashes are square or rectangular, double-hung, frequently with muntins on top half; small accent windows, sometimes paired or tripled in dormers

### Examples of Details:



# Colonial Green Development Pattern Book

## FOLK VICTORIAN

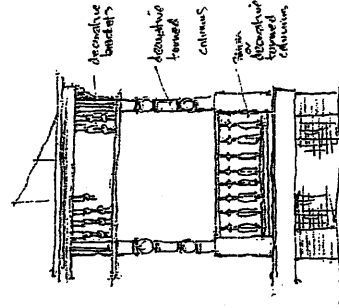
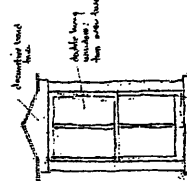
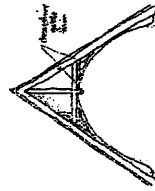


### History and Character

Several variations of the Victorian architectural style were popular at the turn of the 20<sup>th</sup> Century. Named for the influence of England's Queen Victoria, this style of housing became desirable because of the ease of construction and the availability of mass produced house components, like windows, doors, siding, and decorative trim. Many of the Victorian styles such as Second Empire, Shingle, and Queen Anne were quite elaborate with complicated roof and wall projections, trim decorations, and irregular shapes. Folk Victorian homes were simplified versions of the Victorian forms, adapted to traditional, folk house shapes common throughout rural America. Contributing features of this style include:

- ❖ Prominent front porch, usually three-fourths to full width of house;
- ❖ Architectural detailing on porches; decorative millwork, columns, railings
- ❖ Sometimes decorative features in front gable
- ❖ Double-hung windows, sometimes paired; occasional decorative accent windows

### Examples of Details:



Victorian Porch

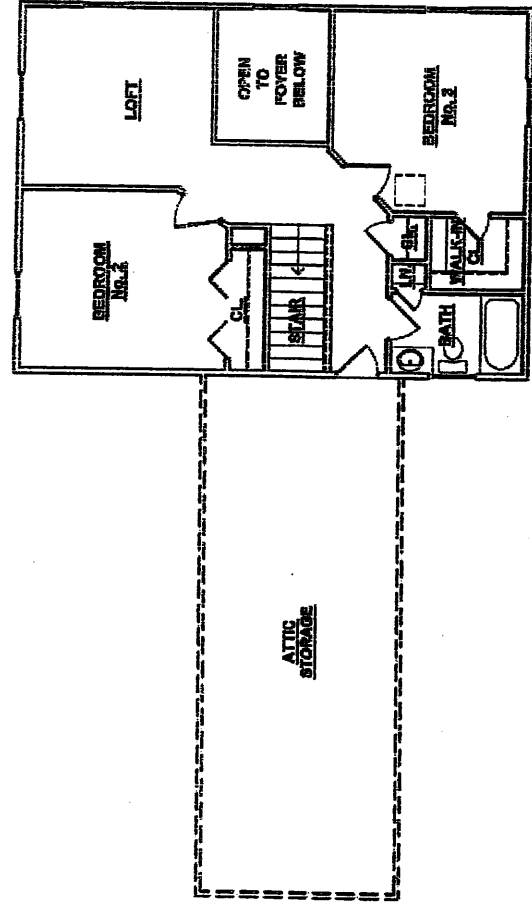


# Colonial Green Development Pattern Book

*Conceptual Floor Plan for Cottages  
(applicable to all styles)*



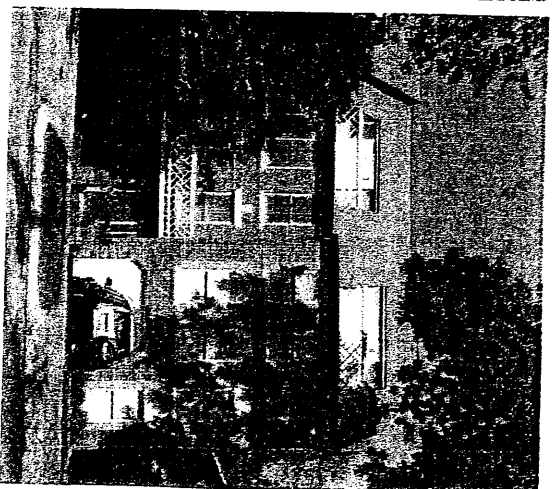
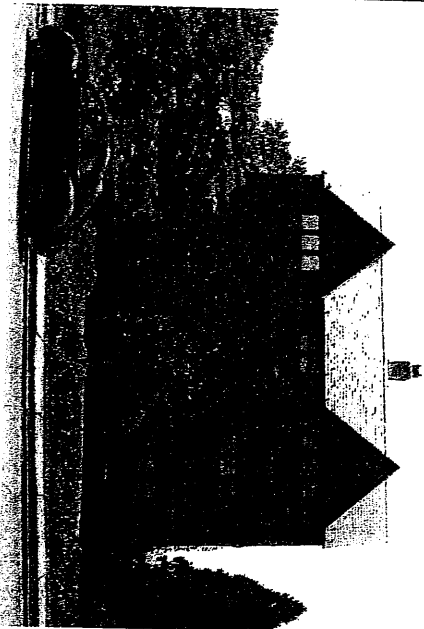
**MAIN LEVEL FLOOR PLAN**



**OPTIONAL UPPER LEVEL FLOOR PLAN**

# Colonial Green Development Pattern Book

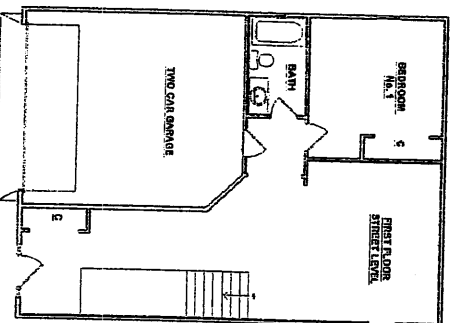
## ARCHITECTURAL STYLES FOR CRESCENT HOMES AND ROWHOUSES



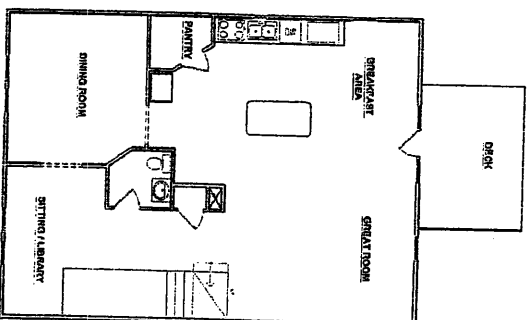
The single family attached Crescent Homes and Rowhouses will be compatible with the architectural styles of the single family homes described in this pattern book. Some of the characteristic features of these homes are:

- ❖ Multi-story living
- ❖ Street level garage

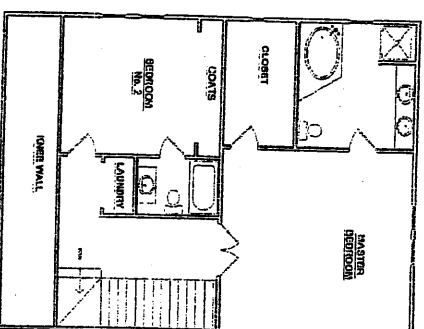
### Conceptual Floor Plans Crescent Homes & Rowhouses



STREET LEVEL



MAIN LEVEL



UPPER LEVEL

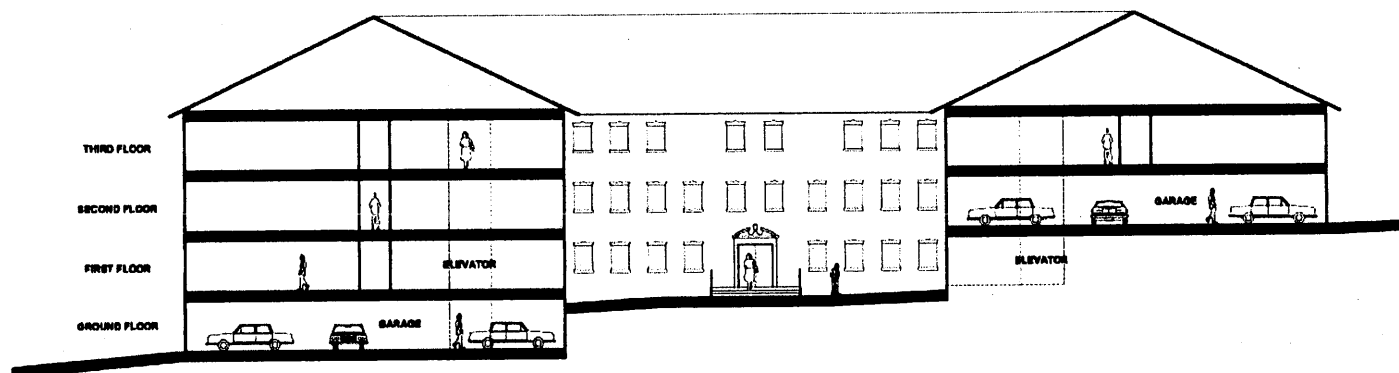
# Colonial Green Development Pattern Book

## ARCHITECTURAL STYLES FOR MULTI-FAMILY BUILDINGS



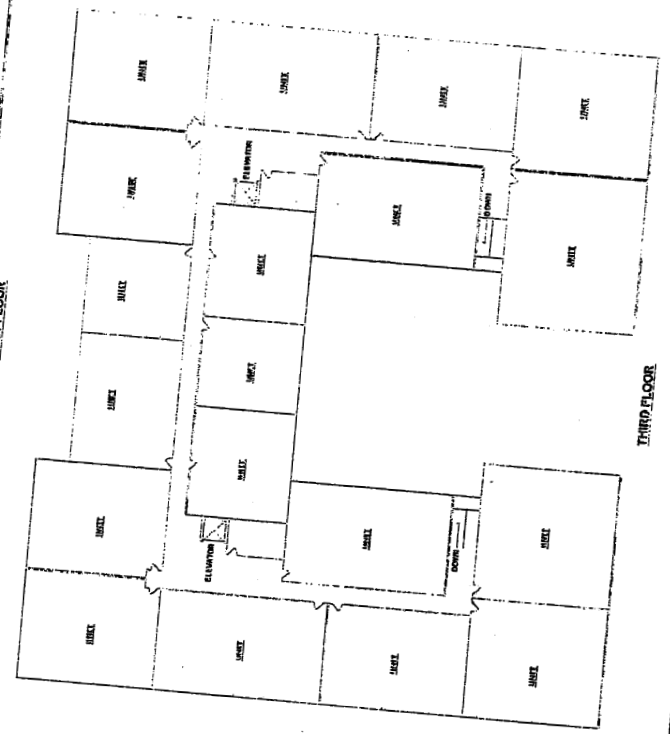
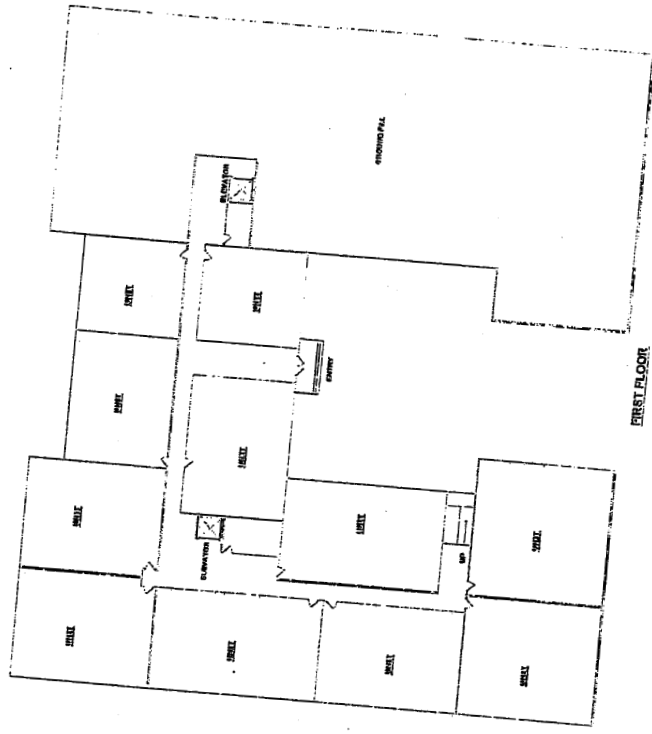
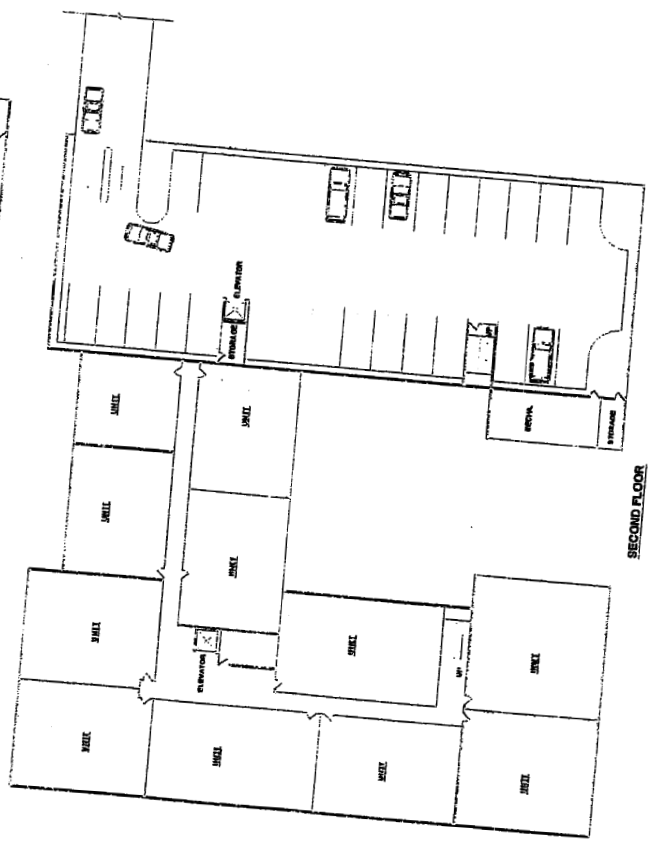
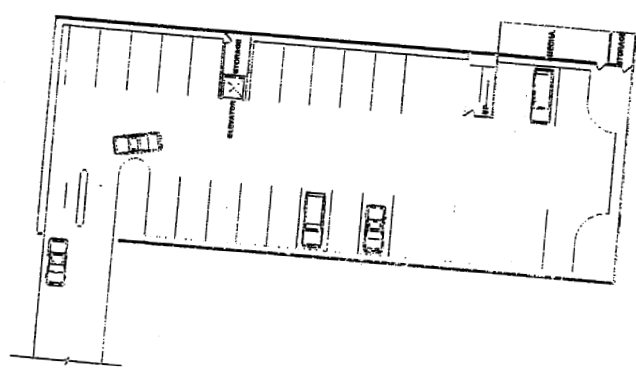
The architectural styles for the proposed multi-family buildings are to be compatible with the single family architectural character and materials of Colonial Green and reflective of Roanoke's traditional multi-family housing architecture. Some of the important features of these developments include:

- ❖ Central courtyard or common greenspace
- ❖ Building mass and shape complements adjacent neighborhood buildings
- ❖ Prominent central entries with landscaped front yard facing Colonial Green
- ❖ Interior parking garage for residents
- ❖ One, two and/or three-bedroom units



**MULTI-FAMILY BUILDING SECTION**

# Conceptual Floor Plans for Multi-family Housing Colonial Green Development Pattern Book



## Colonial Green Development Pattern Book

### MIXEDUSE, RESIDENTIAL AND COMMERCIAL DEVELOPMENT



The architectural style for the proposed mixed-use, residential and commercial development is to be compatible with the architectural character and materials of both the single family and multi-family housing in Colonial Green. It is envisioned that the buildings will contain a mixture of office and retail commercial uses on the first floor with residential uses and professional offices on upper floors, as market conditions warrant. Some of the characteristics desired include:

- ❖ The architecture of the building will be distinctive to encourage attractive pedestrian circulation and business entry.
- ❖ Entries will be either recessed or articulated.
- ❖ Signage will be designed to coordinate with and be complementary to architectural details.
- ❖ Surface parking will be landscaped in accordance with landscaping standards approved by Colonial Green, LC.



*Example of a Mixed Use Building*

# Colonial Green Development Pattern Book

## **ATTACHED AND DETACHED ACCESSORY STRUCTURES**

Accessory structures are those buildings or structures that are incidental and subordinate to the principal building on the same property. Accessory structures may be attached to the main structure or detached and located separately on the lot. They include such things as decks, garages, side or rear porches, and storage buildings. It is important that the architectural design of these structures be compatible with the architectural design of the main building and the architectural design of adjacent buildings. The following architectural guidelines have been adopted for Colonial Green:

**Decks** - All exterior materials shall be painted or stained.

**Garages** - Attached garages shall match the style and character of the main house. Detached garages will either match the style of the main house or be sided with beveled white 4-inch wide lap siding and 3-inch wide corner, window and door trim. Shingles are to match those of the principal building.

**Porches** - Front and side porches shall match the style and character of the main building.

**Storage Buildings** - All storage buildings shall either match the siding and roof color and texture of the main house or be sided with beveled white 4-inch wide lap siding and 3-inch wide corner, window and door trim. Shingles are to match those of the principal building.

## EXAMPLES OF EXTERIOR MATERIALS & COLORS

<b>Siding:</b>	Brick, wood, fiber cement composition board or vinyl
<b>Shutters:</b>	Wood or vinyl; louvered or paneled; on single windows only
<b>Roofing:</b>	Slate, asphalt or fiberglass, metal
<b>Windows:</b>	Wood, vinyl, or aluminum clad wood with muntin patterns typical of the style
<b>Foundations:</b>	Brick, stone, stucco or traditional parging (painted)
<b>Colors:</b>	Traditional colors as approved by Colonial Green's Design Review Committee

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## LANDSCAPE AND GREEN SPACE

The landscape of Colonial Green will create a sense of place for this new neighborhood community. Over time, the landscape of Colonial Green will transform from a scrub pine forest to a mature tree-canopied community.

The landscape centerpieces of Colonial Green feature a large common green and open flat terraces that provide scenic opportunities for the development. Canopied shade trees line the green and the intimate streets emanating from the green, evocative of landscaping in Roanoke's older neighborhoods. Each public space and entrance gateway is carefully designed and landscaped to create a feeling of neighborhood and community. Contributing elements such as fences, sidewalks, planters, and hedges add an orderly composition and a unique neighborhood character to the new community.

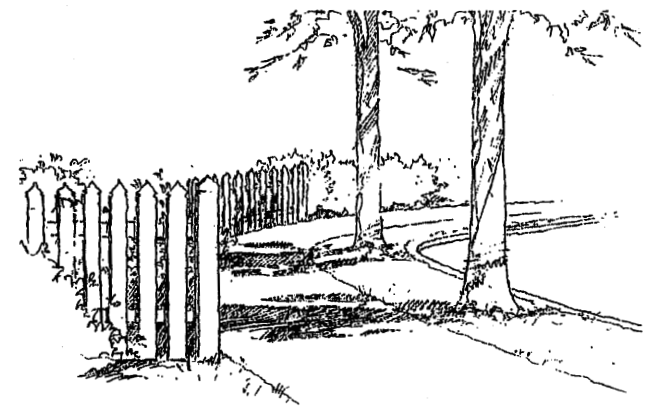
### *Landscape Standards*

#### *Fences*

- ❖ Fences are to be constructed in traditional patterns in painted wood, metal, or approved vinyl.
- ❖ Chain link fencing is not permitted.

#### *Front Yards*

- ❖ Front yard fences and hedges, where used, will be constructed or maintained at a maximum of 3.5 feet in height.
- ❖ Front yard fences will have a maximum opacity of 60%.
- ❖ Where not precluded by unusual slope conditions, fences or hedges should be symmetrical around the front yards.
- ❖ Walks should be between 3 feet and 4 feet wide in the front yard and constructed of concrete, flagstone or brick.





# Colonial Green Development Pattern Book

## *Rear and Side Yards*

- ❖ Rear and side yard fences shall be a maximum of 6 feet high and may be up to 100% opaque.
- ❖ Fences may extend to and be placed on the property lines between lots, although a 6 inch setback from property lines is encouraged.
- ❖ Back and side yards are required to be landscaped, including areas between the alley pavement and the lot line.
- ❖ Screening of air conditioning units and other mechanical elements is required using fencing, shrubs, hedges or low walls.

## *Mailboxes and Trash Containers*

- ❖ Mailboxes shall be a standard unit or units selected and approved by the Homeowner Association's Design Review Committee.
- ❖ All trash containers shall be located inside a structure or screened from street and neighboring home views using approved fence materials.

## *Planting Requirements*

All lots shall be landscaped in accordance with the requirements adopted by the Homeowner Association. These requirements will require the landscaping to:

- ❖ Conceal the foundation and exterior mechanical elements such as gas meters and condenser units from the street and neighboring properties.
- ❖ Secure all disturbed soil with grass, mulch, or other vegetation.
- ❖ Provide limited shading especially in the front yard.
- ❖ Provide an attractive visual "base" which will compliment and further decorate the street visible faces of the house.

# Colonial Green Development Pattern Book

## OWNERSHIP AND MAINTENANCE OF YARDS AND COMMON GREEN SPACES

	Owned By:	Used By:	Maintained By:
Single Family Houses			
Front Yard	Resident	Resident	Assn
Rear and Side Yards	Resident	Resident	Assn
Attached Townhouses			
Front Yard	Assn	Resident	Assn
Side Yard	Assn	Resident	Assn
Rear Yard	Assn	Resident	Assn
Multi-Family houses			
Courtyard	Assn	Bldg Assn	Bldg Assn
Sidewalks, Parking	Assn	Guests	Assn
Mixed Use Space			
Yards	Assn	Resident, Guests	Assn
Circulation space	Assn	Guests	Assn
Common Areas			
Sidewalks	City	Public	City
Streets	City	Public	City
Alleys	TBD	Public	TBD
Green Areas	Assn	Residents	Assn

Resident - The Owner or tenant of a space

Assn - The homeowners association of Colonial Green or other identified building association for multi-family and mixed use

Guests - Owners, residents, and invited and welcome guests

Public - The General Public

TBD - To Be Determined

## Colonial Green Development Pattern Book

### ***COLONIAL GREEN DESIGN REVIEW COMMITTEE***

Colonial Green is a planned community where careful thought has gone into the overall design of lots, architectural styles of buildings, streets, utilities, and landscaping. To maintain this level of design quality and protect property values and investments, the developer of Colonial Green will establish a design review committee to work with property owners on development issues. A member of the City Planning staff will serve as an ex-officio member of the design review committee.

For further information or questions:

Colonial Green  
P. O. Box 10296  
Blacksburg, VA 24062  
540-320-5215

*Colonial Green Development Pattern Book*

*November 1, 2004*

*Revised February 17, 2005*



HILL  
STUDIO

*Community Planning ♦ Landscape Architecture ♦ Architecture ♦ Preservation*

# EXHIBIT 4

## City of Roanoke

Tax ID No.	Property Owner Name/Address	Location
1570132	CHS, Inc. P O Box 12385- Tax Dept. Roanoke, VA 24025	3369 Colonial Avenue, SW
1570126	P. W. and India Moore 3517 Robyn Road, SW Roanoke, VA 24015	Same
1570117	James and Carolyn Duncan 3508 Robyn Road, SW Roanoke, VA 24015	Same
1650924	Walter S. Frazier 3719 Strother Road, SW Roanoke, VA 24015	Same
1651204	John and Etta Lane 2725 Creston Avenue, SW Roanoke, VA 24015	Same
1570113	Trustees Southwest Congregation of Jehovah's Witnesses 1315 Hamilton Terrace, SE Roanoke, VA 24014	3359 Colonial Avenue, SW
1570115	Berlin & Grace Flora 3349 Colonial Avenue, SW Roanoke, VA 24015	Same
1570118	James and Yvonne Metz, Trustees 5844 Lakemont Drive Roanoke, VA 24018	3514 Robyn Road, SW
1570103	Gregory and Vicky Roseberry 3502 Robyn Road, SW Roanoke, VA 24015	Same
1570112	Verity Jane Callender 2750 Creston Avenue, SW Roanoke, VA 24015	Same

1570133	Western Virginia Water Authority 2012 Jefferson Street, SE Roanoke, VA 24014	Creston Avenue, SW
County of Roanoke		
077.11-01-55	Occidental Development LTD Attn. Donald J. Williams 7901 Crawfordsville Road Indianapolis, IN 46224 And 3406 Sunchase Court Roanoke, VA 24018	Colonial Avenue
077.11-01-57	William and Kathleen Ball 7715 Fort Mason Drive Roanoke, VA 24018	3390 Colonial Avenue
077.11-01-51	Signature Properties, LLC P O Box 20961 Roanoke, VA 24018	3350 Woodland Drive
077.11-01-52	Nancy K. Carson 3358 Woodland Drive Roanoke, VA 24015	Same
077.11-01-54	Ethel J. Virgili 3380 Woodland Drive, SW Roanoke, VA 24015	Same
077.11-01-53	Robert B. Pandlis 3368 Woodland Drive, SW Roanoke, VA 24015	Same
077.11-01-50	Mark and Rena Graham 3346 Woodland Drive, SW Roanoke, VA 24015	Same
077.10-01-10	Joyce Dunn 3016 Timberlane Avenue Roanoke, VA 24018	Same
077.10-01-12	Stephen and Wendy Warren 3022 Timberlane Avenue, SW Roanoke, VA 24018	Same
077.10-01-13	John and Susan Mini 3026 Sedgefield Road Roanoke, VA 24015	Same
077.10-01-14	Philip and Judy Miron 3030 Sedgefield Road Roanoke, VA 24015	Same
077.10-01.15	Mark Taylor c/o Brenda Wilson Taylor 3038 Sedgefield Road Roanoke, VA 24018	Same

077.10-01.16	Tina M. Flippin c/o Tina Weiner 3044 Sedgefield Road Roanoke, VA 24015	Same
077.10-01-17	Bobby and Susan Dobyns 3060 Sedgefield Road Roanoke, VA 24015	Same
077.10-01-18	Cherlyn Sandra Lefler McCoy c/o Louis Garger & Thomas Garger 6618 Sugar Ridge Drive Roanoke, VA 24018	3068 Sedgefield Road

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 157, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, the City of Roanoke has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RS-2, Residential Single Family District, to RPUD, Residential Planned Unit Development District, subject to certain conditions proffered by the applicant;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on March 21, 2005, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 157 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

That tract of land containing 23.742 acres, more or less, located at 3379 Colonial Avenue, identified as Official Tax No. 1570101, and designated on Sheet No. 157 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby rezoned from RS-2, Residential Single Family District, to RPUD, Residential Planned Unit Development District, subject to the proffers contained in the Petition filed in the Office of the City Clerk on March 3, 2005, and that Sheet No. 157 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.





**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

March 21, 2005

Honorable C. Nelson Harris, Mayor, and Members of City Council  
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Lease Extension of Alexander-  
Gish House CM05-00031

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
City Clerk  
Director of Finance

DK  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the proper City officials to extend the lease agreement between the City and Old Southwest, Inc., for a period of five years, with an option to extend the lease for an additional five year term upon mutual agreement of both parties, for the use of a certain City-owned structure known as the Alexander-Gish House, located in Highland Park, together with the outbuilding and parking lot, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

Whereas, a public hearing was held on March 21, 2005, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said lease extension.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, the appropriate lease agreement with Old Southwest, Inc., for the use of a certain City-owned structure known as the Alexander-Gish House, located in Highland Park, together with the outbuilding and parking lot, for an additional term of five (5) years, effective beginning January 1, 2005 and ending December 31, 2009, with an option to extend the lease for an additional five year term upon mutual agreement of both parties, at an annual lease fee of \$1.00 over the five-year period, upon such terms and conditions as more particularly set forth in the City Manager's letter dated March 21, 2005.

2. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Architectural Review Board  
Board of Zoning Appeals  
Planning Commission

## **CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166  
Roanoke, Virginia 24011  
Telephone: (540) 853-1730 Fax: (540) 853-1230  
E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

March 21, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Amendment of Zoning Ordinance to delete subsections (g)  
and (h) of Section 36.1-690

### **Planning Commission Action:**

Planning Commission public hearing was held on Thursday, February 17, 2005. Don Wetherington appeared before the Commission in support of the proposed amendment. By a vote of 6-0 (Mr. Chrisman absent), the Commission recommended that City Council approve the proposed amendment.

### **Background:**

Section 36.1-690 of the City of Roanoke Zoning Ordinance includes two subsections that establish a minimum area that can be rezoned to certain commercial and industrial districts:

(g) Except for extension of existing district boundaries, no change in zoning classification to a C-1, C-2, C-3, LM or HM district shall be considered which involves an area of less than two (2) acres, and no separate C-1, C-2, C-3, LM or HM district of less than two (2) acres shall be created by any amendment to this chapter.

(h) Subsection (g) notwithstanding, an area of less than two (2) acres, which abuts a C-2, CN, or an industrial district, may be rezoned to C-1.

The proposed amendment to delete subsections (g) and (h) was initiated by motion of the Planning Commission at its January 20, 2005, meeting.

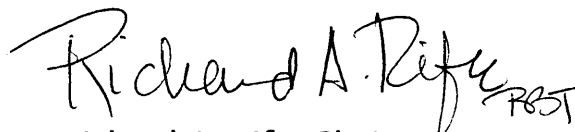
Considerations:

Subsection 36.1-690 (g) precludes the Planning Commission and City Council from considering certain rezonings, regardless of the context, the merits of the petition, or the consistency with the Comprehensive Plan. Subsection 36.1-690 (h) is an exception to subsection (g) which permits establishment of a C-1, Office District when it abuts certain other commercial or industrial districts. The two-acre minimum limits flexibility, particularly in an urban environment such as Roanoke, where existing land use patterns and future land use plans are fine-grained and complex. The minimum area requirement has resulted in numerous situations where desirable development proposals require additional time-consuming processes and result in inferior zoning options. Because of past problems with the application of this provision within urban settings, deletion of this provision has already been contemplated and recommended by the zoning ordinance steering committee in the draft of the proposed zoning ordinance update.

Recommendation:

By a vote of 6-0, the Commission recommended that City Council approve the requested amendment to the Zoning Ordinance to delete subsections (g) and (h) of Section 36.1-690. The Commission believes that rezoning decisions should be based on the context and the merits of the change, as well as the extent to which the change is consistent with the Comprehensive Plan.

Respectfully submitted,

A handwritten signature in black ink that reads "Richard A. Rife". To the right of the signature, the letters "RRT" are written in a smaller, less legible script.

Richard A. Rife, Chairman  
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Russell, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-690, General authority and procedure, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by deleting subsections (g) and (h) of §36.1-690, General authority and procedure, to provide for greater flexibility in considering certain rezonings in which a minimum area can be rezoned to certain commercial and industrial districts, and dispensing with the second reading by title of this ordinance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 36.1-690, General authority and procedure, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended by the deletion of subsections (g) and (h), and shall read and provide as follows:

Sec. 36.1-690. General authority and procedure.

(a) Whenever public necessity, convenience, general welfare or good zoning practice require, the city council may amend, supplement, or change this chapter, including the schedule of district regulations and the official zoning map. Any such amendment may be initiated by resolution of the city council, by motion of the planning commission, or by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property which is the subject of the proposed zoning map amendment.

(b) When such amendment is proposed by petition of a property owner, such petition shall be in writing, addressed to the council, and shall be filed in the office of the city clerk, accompanied by payment of all fees and charges established by the council.

(c) When such petition is for the rezoning of property, it shall include the following:

- (1) A description of the purpose for the zoning and the proposed use of the property;
- (2) A concept plan outlining features of the proposed use of the property including buildings, parking, access and similar features;
- (3) A map or maps of the area requested for rezoning;
- (4) Names, signatures, and addresses of the owner or owners of the lots or property included in the proposed change; and
- (5) Names, addresses and official tax numbers of owners of the lots or property immediately adjacent and to or those directly opposite thereto; provided, however, that inaccuracy or inadequacy of any such list of adjacent owners shall not in any manner affect the validity of any proceedings had or taken by the city council with respect to the matters contained in such petition.

(d) Prior to the filing of said petition the petitioner shall meet with the staff of the office of community planning to determine that all filing requirements have been met and that all information is correct. The office of community planning shall determine the required fees.

(e) Upon the filing of such petition, and the payment of the fees and charges aforesaid, the city clerk shall note the filing of the same and shall immediately transmit the petition, together with the list of property owners hereinafter mentioned, to the planning commission for study, report and recommendation to the council, with a copy of such petition mailed or delivered to the mayor and members of the city council and to the zoning administrator.

(f) No change in zoning classification to a CN category shall be considered which involves an area of less than five thousand (5,000) square feet.

~~(g) Except for extension of existing district boundaries, no change in zoning classification to a C-1, C-2, C-3, LM or HM district shall be considered which involves an area of less than two (2) acres, and no separate C-1, C-2, C-3, LM or HM district of less than two (2) acres shall be created by any amendment to this chapter.~~

~~(h) Subsection (g) notwithstanding, an area of less than two (2) acres, which abuts a C-2, CN, or an industrial district may be rezoned to C-1.~~

(i)(g) Once city council has considered a petition, the petitioner may not request reconsideration of substantially the same petition for one (1) year. Nothing in this section shall be construed to limit city council's ability to reconsider a petition under rule 10 of section 2-15, rules of procedure.

2. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.